

13

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
CHANDIGARH BENCH,  
CHANDIGARH.**

---

O.A.No.060/00869/2014

Date of Decision : 06.08.2015

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, JUDICIAL MEMBER  
HON'BLE MRS. RAJWANT SANDHU, ADMINISTRATIVE MEMBER**

Jasbir Singh, son of Sh. Om Parkash, presently working as Income Tax Inspector, in the office of Director of Income Tax Intelligence and Criminal Investigation C.R. Building, Sector 17, Chandigarh.

...

Applicant

Versus

1. Union of India through Secretary, Ministry of Finance, Department of Revenue, New Delhi.
2. Chief Commissioner of Income Tax, North Western Region, C.R. Building, Sector 17, Chandigarh.

....

Respondents

Present: Mr. D.R.Sharma, counsel for the applicant  
Mr. K.K.Thakur, counsel for the respondents

**ORDER**  
**HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)**

1. Learned counsel appearing on behalf of the applicant submitted that based on a judgment rendered in OA No.130-HP of 2011 titled "Prem Singh Verma Vs. UOI & Anr.", the applicant submitted a representation which has been turned down vide the impugned order Annexure A-3 dated 23.09.2013 on the ground that they have challenged the orders of this Tribunal before the Hon'ble High Court and matter is pending adjudication there.

2. Sh. D.R.Sharma, learned counsel for the applicant submitted that there is no stay granted by the Hon'ble High Court and the matter is pending for adjudication. Qua the juniors to the applicant, the respondents have already implemented the order Annexure A-1. He submitted that on the one hand it is claimed that matter is pending in appeal and on the other hand junior to the applicant has been promoted, and as such there is discrimination towards the applicant.

3. He also submitted that the applicant is similarly situated and is entitled to grant of relief as given in decision of this Court at Annexure A-5. He submitted that subsequently also one Sh. Prem Singh Verma, had filed OA No.130/HP/2011, being senior to the applicant in A-5 and he was also granted the benefit, based on Annexure A-5. Learned counsel for the respondents reiterated what is mentioned in written statement.

↓

4. We have gone through the pleadings. Considering the submissions made on behalf of the applicant that there is no stay granted by the Hon'ble High Court in the pending writ petition and qua the persons junior to the applicant, benefit has already been granted, the same cannot be denied to the applicant. Therefore, the impugned orders cannot sustain. We set aside the impugned orders and matter is remitted back to the respondent no.2 to reconsider the claim of the applicant in the light of the above decisions and observation and if the applicant is found to be similarly situated, benefit be extended to him otherwise a reasoned and speaking order be passed. The above exercise may be completed within a period of two months from the date of receipt of a certified copy of this order.

5. The OA is dispose of accordingly. No costs.

**(SANJEEV KAUSHIK)**  
**JUDICIAL MEMBER**

**(RAJWANT SANDHU)**  
**ADMINISTRATIVE MEMBER**

Place: Chandigarh  
Dated: 06.08.2015

SV: