

**Central Administrative Tribunal
Principal Bench**

OA No.794/2016

New Delhi, this the 24th day of April, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

1. Sh. V.K. Chaturvedi,
Aged about 50 years,
S/o Sh. K.K. Chaturvedi,
R/o 3, Shivranjani Society,
Satellite Road,
Ahmedabad-380015
**(Working as Dy. Commissioner of Income Tax, HQ-I,
Ahmedabad)**
2. Sh. B.R. Mishra,
Aged about 55 years,
S/o Shri R.J. Mishra,
R/o 14B, Neelkanth Apartment,
Near Gurudwara, Madhu Vihar,
I.P. Extension,
Delhi-110092
**(Working as Dy. Commissioner of Income Tax,
International Taxation, Civic Centre, New Delhi)**
3. Sh. S.N. Pandey,
Aged about 50 years,
S/o Sh. K.P. Pandey,
R/o G-12, Top Floor,
Kirti Nagar, Delhi West,
Delhi-110015
**(Working as Dy. Commissioner of Income Tax, Circle-19(1)
& 19(2), Delhi)**
4. Sh. P.R. Mohanty,
Aged about 50 years,
S/o Shri R.N. Mohanty,
R/o L-1202, Girnar Apartments,
IRS Officers Accommodation,
Kaushambi, Ghaziabad
(Working as Dy. Commissioner of Income Tax, CBDT (V&L)

(By Advocate : Shri S K Gupta)

...Applicants

Versus

Union of India through

1. Secretary,
Ministry of Finance,
Department of Revenue,
North Block,
New Delhi.
2. Chairman,
Central Board of Direct Taxes,
Ministry of Finance,
Department of Revenue,
North Block,
New Delhi.
3. Pr. Chief Commissioner of Income Tax (CCA),
Aayakar Bhawan,
Ashram Road,
Ahmedabad.
4. Direct General of Income Tax (HRD),
2nd Floor, ICADR Building,
6, Institutional Area,
Vasant Kunj,
New Delhi-110070.
5. Union Public Service Commission,
Through its Secretary,
Dholpur House,
Shahjahan Road,
New Delhi.

...Respondents

(By Advocate : Shri Gyanendra Singh)

ORDER (ORAL)

Justice Permod Kohli:

The applicants are presently working as Deputy Commissioner of Income Tax in the office of Respondent Nos. 1 to 4 posted at various places as indicated in the memo of parties. The short grievance of the applicants is that the All India seniority list of cadre

of Income Tax Officers has not been notified in implementation of the judgment of the Hon'ble Apex Court in **Union of India & others v. N.R. Parmar & others** reported as (2012) 13 SCC 430. It is stated that the information, which is required from all the 18 Regions is the basis for settlement of the seniority.

2. The applicants has sought the following reliefs in the present O.A.:-

- “(i) quash and set aside the action of respondent no.1,2 and 4 in not finalizing the All India seniority list of the cadre of ITO based upon the judgment of N.R. Parmar of Hon'ble Supreme Court.
- (ii) direct the respondent no.1,2 and 4 to consider the case of the applicants for preponing the date of promotion as ACIT and DCIT based upon their changed position as ITO and further consider them for promotion to the post of JCIT with all consequential benefits.
- (iii) May also pass any further order(s), direction(s) as be deemed just and proper to meet the ends of justice.”

3. Considering the nature of prayers made, we dispose of this Application with a direction to the respondents to finalize the All India seniority of the Income Tax Officers in accordance with law, including the judgment of Hon'ble Supreme Court in **N.R. Parmar's** case (supra), within a period of three months from the date of receipt of a copy of this order and publish and notify the same for the benefit of the members of the Service. On finalization of such

seniority, the respondents will also carry the exercise for promotion/regularization in respect to all the eligible candidates. This exercise be completed within a period of another four months after notifying the seniority. No costs.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

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