

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

**OA No.2423/2017
MA No.2564/2017**

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

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. Shekhar Agarwal, Member (A)**

1. Nitin, Tax Assistant, Group "C"
Aged about 28 years
S/o Shri Sukhbir Singh
R/o RZ-56A, Block, Phase-III, Prem Nagar
Najafgarh, New Delhi – 110 043.
2. Aseem Malik, Tax Assistant, Group "C"
Aged about 31 years
S/o Deepak Malik
R/o B-34, G.F.Anand Vihar
Delhi -110 092.
3. Rajesh Shaw, Tax Assistant, Group "C"
Aged about 33 years
S/o Late Shri Mahesh Shaw
C/o Sekhar Chaudhary
A-57, Sanjay Nagar, Sec-2, Rohini
Delhi – 110 085.
4. Lokesh Kumar, Tax Assistant, Group "C"
Aged about 39 years
S/o Shri Braham Singh
R/o A-69, Street No.2, Patel Vihar
Karawal Nagar
Delhi – 110 094.
5. Akhilesh Kumar, Tax Assistant, Group "C"
Aged about 50 years
S/o Late Shri Bhikaari Singh
R/o Flat No.467, Pkt-13, Phase-I, Mangla Puri
Dwarka, New Delhi – 110 045.
6. Ritu Chaudhary, Tax Assistant, Group "C"
Aged about 33 years
D/o Shri Lalan Chaudhary
R/o 349, Type-II, Income Tax Colony
Pitampura, New Delhi.
7. Sachin Gupta, Tax Assistant, Group "C"
Aged about 32 years
S/o Shri Mahesh Chand Gupta
R/o RZ-B-7, Gurudwara Road, Mahavir Enclave

Part-I, New Delhi – 110 045.

8. Lalit Kumar, Tax Assistant, Group "C"
 Aged about 31 years
 S/o Shri Hawa Singh
 R/o 233, Neem Wala Mohalla, VPO Issapur
 New Delhi – 110 073. Applicants

(By Advocate:Shri M.K.Bhardwaj)

VERSUS

Union of India & Ors.

1. The Secretary (Revenue)
 Ministry of Finance
 North Block, New Delhi.

2. The Chairperson
 Central Board of Direct Taxes
 North Block, New Delhi.

3. The Principal Chief Commissioner of Income Tax (CCA)
 Delhi, CR Building
 I.P.Estate, New Delhi – 110 002. Respondents.

(By Advocate:Shri M.S.Reen)

ORDER (ORAL)

By Hon'ble Mr. V. Ajay Kumar,

Heard Shri M.K.Bhardwaj, counsel for the applicants and Shri M.S.Reen, learned counsel on receipt of advance notice on behalf of the respondents.

MA No.2564/2017

2. MA No.2564/2017, filed for joining together, is allowed.

OA No.2423/2017

3. The applicants, who are presently working as Tax Assistants, filed the present OA seeking the following reliefs :-

"(i) To declare the action of respondents in not counting past regular service as Tax Assistant in the old region for determining eligibility for promotion to the post of Sr. Tax Assistant & Income Tax Inspector as illegal, arbitrary and unconstitutional and direct the respondents to consider and promote the applicants to the post of Sr. Tax Assistant &

Inspector Income Tax by counting their past service rendered in the old region as Tax Assistant with all consequential benefits from due date.

- (ii) To declare the action of respondents in neither counting past regular service of applicants as Tax Assistant in the old region nor giving them relaxation of 2 years of eligible service as per OM dated 25.03.1996 while determining their eligibility for promotion to the post of Sr. Tax Assistant & Income Tax Inspector as illegal, arbitrary and unconstitutional and direct the respondents to consider the applicants for promotion to the post of Sr. Tax Assistant & Inspectors Income Tax by counting their past service rendered in the old region as Tax Assistant and giving relaxation of 2 years of eligible service as per OM dated 25.03.1996 with all consequential benefits from due date by holding review DPC of the Original DPCs on the basis of which juniors and similarly placed persons were promoted to the aforesaid post of Inspector Income Tax as well as Sr. Tax Assistant.
- (iii) To allow the OA with exemplary costs on the respondents.
- (iv) Any other or further relief which the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

4. It is submitted that the applicants have made number of representations including Annexure A-3 (colly) representation ventilating their grievances to the respondents, however, the respondents have not passed any order thereon till date.

5. In the circumstances, the OA is disposed of, without going into the merits of the case, by directing the respondents to consider the Annexure A-3 (colly) representation of the applicants and pass appropriate reasoned and speaking order within 90 days from the date of receipt of a copy of this order, in accordance with law. No costs.

Let a copy of the OA, be enclosed to this order.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)