

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.4547/2015

**Reserved on 05.01.2016
Pronounced on : 15 .01.2016**

**Hon'ble Dr. Birendra Kumar Sinha, Member (A)
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)**

1. Manglalzom Gangte, Sr. Tax Assistant,
Aged about 34 years,
S/o Late Sh. Lalsiem Gangte,
R/o 1236/37, Ground Floor,
DDA Flat, Madangir, New Delhi-110062.
2. T. Khup Suan Lian, Tax Assistant,
Aged about 30 years
S/o Sh. T.Phung Za Lam,
R/o 330, Income Tax Colony,
Pitampura, New delhi -110088.
3. Chiinhohkim Simte, Tax Assistant,
Aged about 30 years
S/o Sh. H. Thanglianmang Simte,
R/o Flat No. 184, Pocket -D, Mayur Vihar,
Phase -II, Delhi-110091
4. Om Prakash, Tax Assistant
Aged about 31 years
S/o Sh. Nathu Singh,
R/o Block No. 01, H.No. 237,
Trilok Puri, Delhi-110091
5. Preeti Dhakolia, Tax Assistant,
Aged about 33 years
D/o Sh. Bishan Singh,
R/o F-24/277, Sector-3,
Rohini, Delhi-110085.
6. Shalini, Tax Assistant
Aged about 28 years
D/o Sh. Mohan Lal,
R/o A-58/96A, Janakpuri,
New Delhi-110058.
7. Vijay Kumar, Tax Assistant,
Aged about 34 years,
S/o Sh. Ram Kishore,
R/o I-331, Shakurpur,
Anandvas, Delhi-110 034.

8. Azad Kumar, Tax Assistant,
Aged about 42 years,
S/o Late Sh. Jagdev Prasad,
R/o 169, Vinoba Puri,
Lajpat Nagar-II, Delhi-110 024
9. Archana Sinha, Tax Assistant,
Aged about 35 years,
D/o Sh. Ramanuj Prasad Sinha,
R/o Flat No. 003, Ravi Tower, Sec-04,
Vaishali, Ghaziabad (U.P.)
10. Navratan, Tax Assistant,
Aged about 30 years,
S/o Sh. Prempal Sharma
R/o H-378/1, Shastri Nagar,
Meerut,(U.P.)-250 001.
11. Jagjeet Singh, Tax Assistant,
Aged about 35 years,
S/o Late Sh. Raghbir Singh,
R/o B-1153, First Floor,
Shastri Nagar, Delhi -110 052.
12. Ravinder, Tax Assistant,
Aged about 31 years
S/o Sh. Data Ram,
R/o H. No. 382, Gali No.11,
Samay Pur, Delhi-110 042.
13. Pratibha, Tax Assistant
Aged about 26 years
D/o Sh. Pitamber Singh,
R/o 29-C, GG-1,
Vikaspuri, Delhi-11 0018
14. Alok Kumar Sharma, Tax Assistant
Aged about 36 years,
S/o Sh. Ram Narayan Sharma
R/o 401, Income Tax Colony,
Delhi-110 088.
15. Bharti, Tax Assistant,
Aged about 30 years,
D/o Sh. Jagdish Rai,
R/o RZ-673/17, Street No.19,
Sadh Nagar Part -2
Palam Colony, Delhi-110 045.
16. Bhagat Singh, Tax Assistant
Aged about 36 years,
S/o Sh.Ram Kishore Bairwa,
R/o13/245, Trilok Puri,
Delhi-110 091.

17. Kuldeep Singh, Tax Assistant,
Aged about 31 years,
S/o Sh. Satpal Singh,
R/o H. No. 285, VPO- Ghevra,
New Delhi-110 081.

18. Rinku Kumar, Tax Assistant,
Aged about 35 years,
S/o Sh. Mulakh Raj,
R/o H.No. 32,Gurmandi,
Behind Duplex Flat No.10,
Near Rana Pratap Bagh,
Delhi-110 007

.....Applicants.

(By Advocate: Mr. 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, New Delhi. .. Respondents

(By Advocate: Shri Gyanendra Singh)

O R D E R

By Dr. Brahm Avtar Agrawal, Member (J):-

The applicants, 18 in number, had joined the Income-tax Department as Tax Assistants in different regions during the years 2008-2012. They were transferred to Delhi region on their request during the years 2012-2015. For promotion to the posts of Senior Tax Assistant and Income-tax Inspector, their past service rendered in the old region, it is alleged by the applicants, was not counted by the respondents towards eligibility for the vacancies of the financial year 2013-14. It is, inter alia, prayed in the instant OA that the respondents be directed not to discount the said past service

while considering the applicants' eligibility for promotion. It is, inter alia, pleaded that the respondents have counted such past service in respect of some other Tax Assistants on the directions of this Tribunal in the case of Subodh Kumar and Others Vs. U.O.I. and Others [OA No. 2531/2014] contained in its Order dated 23.07.2015 (Annexure A-6), vide the respondent No.3's order dated 05.11.2015 (Annexure A-1) and that the applicants herein are similarly situated.

2. We have heard the learned counsel for the parties, perused the pleadings as well as the rulings cited at the Bar, and given our thoughtful consideration to the matter.

3. The aforesaid Order of this Tribunal after taking note of various precedents has in similar circumstances held that one is entitled to be considered for promotion after taking into account his past service rendered in the previous region despite his bottom seniority in the region of his request. On inter-region transfers on their requests, while the employees accept bottom seniority, they do not forgo the earlier service rendered by them before such transfer. Such service should, therefore, be counted towards eligibility while considering their cases for promotion provided they are falling within the zone of consideration. While seniority is lost, the length of service is not. Annexure A-5 is the Hon'ble Delhi High Court's judgment dated 29.10.2015 in U.O.I & Ors. Vs. Chet Ram Meena & Ors. taking the same view.

4. In the light of the above, the instant OA deserves to succeed. Therefore, the respondents are directed to take into account the applicants' past service as Tax Assistants rendered in their respective regions of joining for the purposes of their eligibility for promotion to the posts of Senior Tax Assistant and Income-tax Inspector. Consideration of their cases for promotion shall be effected within three months from the date of receipt of a copy of this Order.

5. The OA is allowed in terms of the above directions. No order as to costs.

(Dr. Brahm Avtar Agrawal)
Member (J)

(Dr. Birendra Kumar Sinha)
Member (A)

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