

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.3879/2014

Thursday, this the 24th day of September, 2015

Hon'ble Mr. A.K. Bhardwaj, Member (J)
Hon'ble Dr. B. K. Sinha, Member (A)

Priya Ranjan
s/o Mr. Rajnandan Yadav "Pankaj",
Aged about 39 years
r/o House No.6, Narmada Towers
Sector-4, Vaishali
Ghaziabad
Present post – Income Tax Inspector
O/o DGIT (INU) N.D.

..Applicant

(Mr. A.K. Behera, Advocate)

Versus

1. Union of India through Secretary
Ministry of Finance
Department of Revenue
North Block, New Delhi-1
2. Central Board of Direct Taxes
Through its Chairman
Ministry of Finance
Department of Revenue, North Block
New Delhi-1
3. Principal Chief Commissioner of Income Tax
3rd Floor, CR Building
IP Estate, New Delhi-2
4. Principal DGIT-HRD
Directorate of Income Tax
Human Resource Development
ICADR Building, Plot No.6
Vasant Kunj Institutional Area, Phase II
New Delhi-70

..Respondents

(Mr. Rajesh Katyal, Advocate)

O R D E R (ORAL)

Mr. A.K. Bhardwaj:

The only prayer made in the present Original Application filed under
Section 19 of the Administrative Tribunals Act, 1985 is for issuance of

direction to the respondents to consider the 18 posts of ITO in Delhi Region for the vacancy year 2014-15. The prayer reads thus:-

- “(a) Call for the records of the case;
- (b) Declare that the 18 posts/vacancies of ITOs in Delhi Region which have arisen as a result of promotion order dated 10th September, 2014 are posts and vacancies of the year 2014-15 only.
- (c) Direct the respondents to fill up the said 18 posts/vacancies of ITOs as the vacancies of the year 2014-15 forthwith in Delhi Region.
- (d) Direct the respondents to consider and promote the applicant as ITOs against the said 18 posts/vacancies of ITOs in Delhi Region/ Charge.
- (e) Direct the respondents to give all consequential benefits to the applicants including arrears of pay and allowances;
- (f) Cost of the Original Application may be awarded in favour of the Applicant and justice may be done.”

2. Mr. Rajesh Katyal, learned counsel for respondents produced a copy of communication F.No.P-311/CAT/KK/2014-15/1076 dated 24.9.2015 addressed by the Office of Principal Chief Commissioner of Income Tax, New Delhi to him. In the communication, it has been amplified that the competent authority has taken a decision to consider 18 chain vacancies of ITO formed subject matter of controversy in the Original Application as the vacancies of the year 2014-15. Paragraph 2 of the communication reads thus:

“2. In this regard, I am directed to convey that the competent authority in this office has taken a decision to consider the 18 chain vacancies of ITOs under contention in the year 2014-15. I am further directed to take leave of the Court on holding DPC of ITOs for the year 2013-14 as the restriction imposed by the Hon’ble CAT in this case also applies in another case in OA No.4334/2014 (Rajesh Kumar Gupta & Ors Vs UOOI & Ors.)”

3. In view of the stand taken by the respondents, the Original Application is disposed of as infructuous. In view of the final Order passed (ibid), the interim Order dated 26.11.2014 stands vacated. No costs.

(Dr. B.K. Sinha)
Member (A)

(A.K. Bhardwaj)
Member (J)

September 24, 2015
/sunil/