

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 3919/2017
M.A. No. 4116/2017

New Delhi, this the 20th day of November, 2017

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)**

1. Harmesh, Stenographer-II, Group 'C'
Aged about 29 years,
D/o Shri Lakhmi Chand,
R/o B-697, Weavers Colony,
Ashok Vihar, Phase-IV,
Delhi-110052.
2. Manoj Kumar Sharma, Stenographer-II, Group 'C'
Aged about 30 years,
S/o Shri Madan Pal Sharma,
R/o Village Dehalawala, P.O. Rehar,
Distt. Bijnor, U.P.
3. Sandeep Kumar Hudda, Stenographer-II, Group 'C'
Aged about 27 years,
S/o Shri Dhramvir Singh,
R/No. H.No. 490, Jogi Mohalla,
Rithala Road, Shahbad Daulat Pur,
Delhi-110042.
4. Pratima, Stenographer-II, Group 'C'
Aged about 35 years,
D/o Shri S.S. Sah,
R/o 305, Dhruva Apartment,
Plot No.4, I.P. Extn.,
Behind Mother Dairy Plant,
Delhi-110092.
5. Kamal Hasan, Stenographer-II, Group 'C'
Aged about 29 years,
S/o Shri Yasheen,
R/o Village Alampur, Post Sultanpur Dost,
Tehsil-Thakurdwara, Distt. Moradabad, U.P.
Pin No. 244601.
6. Deepak Kumar, Stenographer-II, Group 'C'
Aged about 29 years,
S/o Shri Satish Kumar,
R/o 7/36, 1st Floor, Ramesh Nagar,
New Delhi-110015.

7. Brijesh Kumar, Stenographer-II, Group 'C'
Aged about 36 years,
S/o Shri Nand Lal,
R/o J-164, Shakur Pur,
Delhi-110034.
8. Sarita, Stenographer-II, Group 'C'
Aged about 27 years,
D/o Shri Satpal Singh,
R/o WZ-74A, 80 Yards,
Tilak Nagar, New Delhi-110018.
9. Sheetal, Stenographer-II, Group 'C'
Aged about 32 years,
D/o Shri Rajesh Kumar,
R/o WZ-192B (80 Yards),
Tilak Nagar, New Delhi-110018.
10. Deepak, Stenographer-II, Group 'C'
Aged about 27 years,
S/o Shri Raj Kumar,
R/o RZ-20, Mahindra Park,
Pankha Road, Uttam Nagar,
New Delhi-110059.
11. Santosh, Stenographer-II, Group 'C'
Aged about 30 years,
D/o Shri Jasbir Singh,
R/o D-338, First Floor,
Shakur Pur, Anand Vas,
Delhi-110034.
12. Pankaj Rani, Stenographer-II, Group 'C'
Aged about 24 years,
D/o Shri Vijay Pal Singh,
R/o Flat No.II/607, 6th Floor,
Sharda Tower, Vaishali,
Ghaziabad-201010.
13. Shilpi Passi, Stenographer-II, Group 'C'
Aged about 25 years,
D/o Shri Anil Passi,
R/o 15/39, Geeta Colony,
Delhi-110031.
14. Naina Rani, Stenographer-II, Group 'C'
Aged about 25 years,
D/o Shri Subhash Kumar,

R/o IX/3041, Street No.2,
Dharampura, Gandhi Nagar,
Delhi-110031.

15. Amit, Stenographer-II, Group 'C'
Aged about 27 years,
S/o Shri Dharampal,
R/o VPO Mundhal Khurd,
Distt. Bhiwani, Haryana-127041.
16. Meenu, Stenographer-II, Group 'C'
Aged about 28 years,
D/o Shri Kanchhid,
R/o 7075, Gali No.9,
Rameshwari Nehru Nagar,
Karol Bagh, New Delhi-110005.
17. Naresh Kumar, Stenographer-II, Group 'C'
Aged about 32 years,
S/o Shri Narayan Das,
R/o D-1001, Tigri Colony, M.B. Road,
New Delhi-110062.
18. Gajendra Singh, Stenographer-II, Group 'C'
Aged about 24 years,
S/o Shri Parveen Singh,
R/o Vill. & Post Nawada Kesho,
Distt. Bijnor, UP-246746.
19. Kamal Kumar, Stenographer-II, Group 'C'
Aged about 31 years,
S/o Shri Pritam Singh,
R/o H.No. 660/6, Gali No.1,
Punjabi Basti, Anand Parbat,
New Delhi-110005.
20. Mohd. Hasan, Stenographer-II, Group 'C'
Aged about 26 years,
S/o Shri Abdul Gafoor,
R/o Flat No. 305, Ghagra, Vaishali,
Sec-4, Ghaziabad, U.P.-201010.
21. Krishna Mohan Rana,
Stenographer-II, Group 'C'
Aged about 24 years,
S/o Shri Shishu Pal Singh,
R/o Vill. Mandiyan Meerpur,
Post Malakpur Somli,
Distt. Moradabad, U.P.-244401.

22. Mahesh Kumar, Stenographer-II, Group 'C'
 Aged about 24 years,
 S/o Shri Roshan Lal,
 R/o 602, Sharda Tower, Vaishali,
 Delhi.

23. Saddam Hussain, Stenographer-II, Group 'C'
 Aged about 23 years,
 S/o Shri Buniyad Ahamad,
 R/o Village Daulawala,
 Post Kishanpur Gauri,
 Distt. Moradabad, U.P.

24. Haseen Ahmed, Stenographer-II, Group 'C'
 Aged about 26 years,
 S/o Shri Munsher Ali,
 R/o Flat No. 305, Ghagra, Vaishali
 Sec-4, Ghaziabad, U.P.-201010.

25. Hema Sachdeva, Stenographer-II, Group 'C'
 Aged about 30 years,
 D/o Shri Mahinder Kumar,
 R/o A-14(s) Chanakya Place,
 Gali No.17, Near Uttam Nagar,
 New Delhi-110059.

26. Vandana Bhardwaj, Stenographer-II, Group 'C'
 Aged about 27 years,
 D/o Shri Mul Chand Bhardwaj,
 R/o H.No. 302, Barwala,
 Delhi-110039.

27. Abhishek Kumar, Stenographer-II, Group 'C'
 Aged about 27 years,
 R/o C-29, J.P. Dairy Road,
 Hastshal Vihar, Delhi. Applicants

(By Advocate : Shri M.K. Bhardwaj)

Versus

1. Union of India
 Through its 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-110002. .. Respondents

(By Advocate : Shri Manjeet Singh Reen)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

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

2. MA 4116/2017 filed for joining together is allowed.

3. The applicants, who are presently working as Stenographer Grade-II under the respondents No.2 and 3, filed the instant O.A. seeking a direction to the respondents to count their past regular service as Stenographer Grade-II (erstwhile Grade-III) in the Old Region, i.e. from which they were transferred to present Region, i.e. Delhi, for the purpose of determining their eligibility for promotion to the post of Stenographer Grade-I/Income Tax Inspectors.

4. Learned counsel for the applicants submits that the subject matter of this O.A. is squarely covered by a decision of a Co-ordinate Bench of this Tribunal dated 15.10.2014 in O.A. No. 2064/2014 (Chet Ram Meena & Ors. Vs. Union of India & Ors.) and, in the identical circumstances, the respondents therein were directed to consider the past service of the applicants therein in the

previous charge for the purpose of promotion to the post of Stenographer Grade-I/Income Tax Inspectors. The said decision was upheld by the Hon'ble High Court in Writ Petition(C) No. 6368/2015 dated 29.10.2015. Though the respondents preferred SLP No. 9643/2016 titled **Union of India & Ors. vs. Chet Ram Meena & Ors.**, but no stay was granted by the Hon'ble Supreme Court in the said SLP and, in the circumstances, the respondents have complied with the orders of this Tribunal in **Chet Ram Meena's** case.

5. The learned counsel further submits that following the decision in Chet Ram Meena, this Tribunal has disposed of number of OAs on the similar lines and, hence, the learned counsel prays for allowing the present O.A.

6. Shri Manjeet Singh Reen, the learned counsel appearing on behalf of the respondents, while opposing the O.A. averments, submits that though the respondents have complied with the orders of this Tribunal in Chet Ram Meena's case, however, since the SLP filed by them is pending against the said order, the instant O.A. deserves to be adjourned sine die, till the Hon'ble Supreme Court decides the SLP filed against the decision in Chet Ram Meena or, alternatively, in view of the submissions made by them, the O.A. may be dismissed.

7. On careful examination of the judgments in Chet Ram Meena and other decisions of Coordinate Benches of this Tribunal, wherein the decision in Chet Ram Meena was followed, we are of the view that the subject matter of this O.A. is squarely covered by the decision in Chet Ram Meena. The various contentions now being raised by the learned counsel for the respondents were already considered by this Tribunal and as well as by the Hon'ble High Court in Writ Petition filed in Chet Ram Meena and, hence, not granting the reliefs to the applicants, who are identically placed like Chet Ram Meena and Others, on the ground of pendency of SLP where no stay was granted by the Hon'ble Supreme Court, is not in accordance with law.

8. In the circumstances and for parity of reasons, the O.A. is allowed in terms of the decision in O.A. No. 2064/2014 dated 15.10.2014 in Chet Ram Meena & Ors. Vs. Union of India & Ors. However, it is needless to mention that any benefits granted to the applicants are subject to the result of the SLP in **Union of India & Ors. Vs. Chet Ram Meena & Ors.** and the applicants cannot claim any equities in future. No order as to costs.

(Nita Chowdhury)
Member (A)

/Jyoti /

(V. Ajay Kumar)
Member (J)