

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

O.A. No. 4037/2017
M.A. No. 4258/2017

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. 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-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 4258/2017 filed for joining together is allowed.
3. The applicants, who are presently working as Tax Assistants under the respondents No.2 and 3, earlier filed O.A. No. 2423/2017, which was disposed of by an order dated 24.07.2017 as under:

“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.

4. In compliance of the aforesaid orders, the respondents have considered the representations of the applicants and disposed of the same vide the impugned Annexure A-1, dated 06.10.2017, stating as under:

“In reply to Para No.1, it is intimated that the notification/circular mentioned at this para have been issued by the Directorate of Income Tax (HRD). Being a policy matter, decision on these notification/circular can be taken only by the Competent Authority at Board level i.e. Directorate of Income Tax (HRD), Central Board of Direct Taxes. However, an SLP (CC) No. 9643/2016 has been filed before the Hon’ble Supreme Court against the order of the High Court of Delhi passed on 29.10.2015 in Chet Ram Meena case (WP(C) No.6368/2015). The WP(C) 6368/2015 filed by the department Vs. Chet Ram Meena was dismissed by the Hon’ble High Court of Delhi on 29.10.2015 and order of the Hon’ble CAT in OA No. 2064/2014 was upheld. The SLP (CC) No. 9643/2016 is still pending before the Hon’ble Supreme Court and has not reached finality yet.”

5. Ultimately, the respondents not granted the relief claimed by the applicants on the ground of pendency of the SLP in **Chet Ram Meena’s** case.

6. 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. In the circumstances, the respondents have complied with the orders of this Tribunal in **Chet Ram Meena's** case.

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

8. 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.

9. 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.

10. 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)

(V. Ajay Kumar)
Member (J)

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