

**Central Administrative Tribunal
Principal Bench**

OA No.4104/2016

New Delhi, this the 15th day of December, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. Shekhar Agarwal, Member (A)**

1. Shri Anant Prakash (Retd. JCIT)
S/o Late Mahabir Prashad
R/o M-90, Second Floor,
Vikaspuri, New Delhi 110 018.
 2. Shri Yatendra Singh (JCIT)
S/o Late K. S. Verma
R/o 49B, Pocket B, SFS Flats,
Mayur Vihar, Phase III
Delhi 110096.
- Applicants.

(By Advocate : Shri Sanjay Goel and Ms. Jasneet Kaur)

Vs.

1. Union of India
Through the Secretary,
Department of Revenue,
North Block,
New Delhi 110 001.
 2. The Chairman
Central Board of Direct Taxes,
North Block,
New Delhi 110001.
 3. The Member (P&V)
Central Board of Direct Taxes,
North Block,
New Delhi 110 001.
 4. The Joint Secretary (Admn)
Department of Revenue, CBDT,
North Block,
New Delhi 110 001.
 5. The Principal Director General of Income Tax
Directorate of Income Tax (HRD)
ICAR Building, Vasant Kunj,
New Delhi 110 070.
- Respondents.

: O R D E R (ORAL) :

Justice Permod Kohli, Chairman :

MA No.3690/2016.

Through the medium of this MA, applicants have prayed for filing a joint OA.

2. In view of the averments made in the MA, applicants are permitted to file joint OA. MA stands disposed of accordingly.

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3. Heard.

4. Issue notice. Shri Gyanendra Singh, learned standing counsel appears and accepts notice on behalf of the respondents.

5. The grievance of the applicants in the present OA is non-consideration of their claim for grant of Non Functional Selection Grade (NFSG) in the Pay Band-4 of Rs.37,400-67,000/- plus Grade pay of Rs.8,700/- (pre-revised) w.e.f. 22.08.2016, as granted to their batchmates vide Notification No.18 of 2016 dated 14.10.2016.

6. It is stated that the applicants were promoted as Assistant Commissioner of Income Tax, Group-A, against the vacancy year 2003 vide order dated 15.02.2005. They were also assigned the seniority of 2003. Applicant Nos.1 & 2 were promoted as Joint Commissioner of Income Tax on ad hoc basis vide order dated 01.10.2013 and 03.02.2014 respectively. Applicant No.1 was working as Joint Commissioner of Income Tax on ad hoc basis and performing duties and functions as such. Applicant No.1 has retired from service on attaining the age of superannuation on 30.09.2016 whereas applicant No.2 who is still working as Joint Commissioner of Income Tax is due to retire on 31.12.2016 on attaining the age of superannuation. They have accordingly claimed that they may be considered for the Selection Grade (NFSG) of Addl. CIT which has been granted to similarly placed officers

vide the aforementioned notification. Their further prayer is for grant of benefits of new IRS Rules, 2015 which have been implemented by the Govt. of India vide Gazette Notification No.270 dated 29.04.2015. The aforesaid benefits are being claimed by taking into consideration their service record and length of service etc. The applicants have made representations dated 07.03.2016 and 21.07.2016 respectively claiming their regularisation in the grade of JIG and for their consideration for grant of consequential benefits.

7. It seems that applicants' representations have not been responded to. They have filed W.P.(C) No.8133/2016 before the Hon'ble High Court of Delhi. The said writ petition was, however, withdrawn with liberty to pursue the remedies available under the law. It is under these circumstances, the present OA has been filed.

8. We have found that the representations filed by the applicants were prior to the issuance of the aforesaid order dated 14.10.2016. Under these circumstances, without going into the merits of the controversy and in view of the prayer made by the applicants, this OA is being disposed of at the admission stage itself, permitting the applicants to make fresh representations within a period of two weeks from today. On such representations being made, the same shall be examined and considered by respondent No.4 and disposed of by passing a reasoned and speaking order within a period of two months. The said order shall be communicated to the applicants within two weeks thereafter. Needless to say that the applicants shall have the liberty to avail remedial measures in the event they are aggrieved by the order to be passed by the respondent No.4 on their representations.

(Shekhar Agarwal)
Member (A)

(Justice Permod Kohli)
Chairman

/pj/