

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

OA No.4188/2015

New Delhi, this the 17th day of November, 2015

Hon'ble Mr. Shekhar Agarwal, Member (A)

Hon'ble Mr.Raj Vir Sharma, Member (J)

1. Vinay, Aged -35 Years,
S/o Shri Ram Kishan,
Working as Tax Assistant
In the office of DGTI(L&R), Drum Shape Building
Income Tax Department, New Delhi-2
R/o F-198, Moti Bagh-1, New Delhi-21

2. Hari Om Sagar, Aged-35 Years
S/o Shri Dayaram Sagar
Working as Tax Assistant
In the office of CIT (Vig), CBDT, Delhi
R/o A-239, Gali No. 5, Kamal Vihar
Burari, Delhi-84Applicants.

(By Advocate: Mr.Yogesh Sharma)

Versus

1. Union of India through the Secretary
Dept of Revenue, Ministry of Finance, Govt. of India,
North Block, New Delhi.
2. The Chairperson,
Central Board of Direct Taxex,
North Block, New Delhi-110001.
3. The Principal Chief Commissioner of Income Tax,
(CCA) Delhi, CR Building, New Delhi .. Respondents

ORDER (ORAL)

By Mr. Shekhar Agarwal, Member (A):-

This OA has been filed seeking the following relief (s):-

(i) That the Hon'ble Tribunal may graciously be pleased to pass an order declaring to the effect that whole action of the respondents not counting the past regular service as Tax Assistant/Senior Tax Assistant in the Mumbai Region of the applicants for determining their eligibility for promotion to the post of Income Tax Inspector is illegal, arbitrary and unconstitutional and consequently, pass an order directing the respondents to consider and promote the applicants to the post of Inspector Income Tax by counting their past service rendered in old regional with all consequential benefits from due date i.e. 19.12.2014.

- (ii) That the Hon'ble Tribunal may graciously be pleased to pass an order of quashing the order dated 5.11.2015 only to the extent by which the applicants have not been considered for their promotion in the review DPC held on 05.11.2005 and the applicants have not been considered and promoted along with junior and similarly situated persons and consequently, pass an order directing the respondents to consider and to grant the deemed promotion to the applicants w.e.f. 19.12.2014 with all consequential benefits.
- (iii) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicants along with the costs of litigation.

2. Learned counsel for the applicants has stated that his case is squarely covered by the judgment dated 15.10.2014 of this Tribunal passed in OA No. 2064/2014 - **Chet Ram Meena Vs. Union of India**. The said judgment has also been upheld by the Hon'ble High Court of Delhi vide its judgment dated 29.10.2015 passed in Writ Petition No. 6368/2015

3. Learned counsel for the applicant further submits that this case is also squarely covered by the judgment dated 23.7.2015 passed in OA No. 2531/2014 - **Subodh Kumar & others Vs. Union of India**.

4. He prayed that respondents be directed to extend the same benefits to the applicants herein as were granted to the applicants of the aforesaid OAs.

5. Accordingly, this OA is disposed of at the admission stage itself without issuing notice to the respondents and without going into the merits of the case with a direction to the respondents to consider the case of the applicants and if they are found covered by the judgment of this Tribunal, to extend the same benefits to the applicants. This exercise shall be completed by them within 90 days from the date of receipt of a copy of this order.

(Raj Vir Sharma)
Member (J)

(Mr. Shekhar Agarwal)
Member (A)

