

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

O.A No.3449/2017

**Reserved On:01.05.2018
Pronounced on:16.07.2018**

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)**

1. Bipin Bihari Pandey, Tax Assistant, Group 'C',
Aged about 26 years,
S/o Shri Jitendra Pandey,
R/o Village-Semariya, P.O. Dhamar,
Distt. Bhojpur, Bihar-802156.
2. Amit Kumar, Tax Assistant, Group 'C',
Aged about 31 years
S/o Sheri Chhotu Ram,
R/o VPO Dhingsara, Distt. Fatehabad,
Haryana.
3. Prem Prakash, Tax Assistant, Group 'C',
Aged about 26 years,
S/o Sheri Prashuram Singh,
R/o Moh-New Area, Near of Patalpuri Mandir,
P.O. & Distt. Nawada, Bihar-805110.
4. Soniya Dahiya, Tax Assistant, Group 'C',
Aged about 26 years,
D/o Shri Narain Singh Dahiya,
R/o M-17, Phase-IV, Prem Nagar,
Najafgarh, Delhi.
5. Lalit Kumar, Tax Assistant, Group 'C',
Aged about 31 years,
S/o Shri Ramji Lal,
R/o House No.420, Shakur Pur Colony,
New Delhi-110034.
6. Pankaj, Tax Assistant, Group 'C',
Aged about 36 years,
S/o Shri Ram Shankar,
R/o B-4/200, Nand Nagri,
Delhi-110093.
7. Roopam Parashar, Tax Assistant, Group 'C',

Aged about 29 years,
 D/o Shri Naresh Kumar Sharma,
 R/o C-8, Baba Banda Bahadur Aptts.,
 Sector-14, Rohini, New Delhi-110085.

8. Gulab Chander, Tax Assistant, Group 'C',
 Aged about 31 years,
 S/o Shri Shiv Bachan
 R/o B-2/300, Sultan Puri, New Delhi.
9. Amit Kumar, Tax Assistant, Group 'C',
 Aged about 31 years,
 S/o Shri Vijay Pal Singh,
 R/o C-Block, 660, Nand Gram, Ghaziabad,
 U.P.-201003.
10. Manoj Kumar, Tax Assistant, Group 'C',
 Aged about 32 years,
 S/o Late Sheri Lachhu Singh,
 R/o A-10, Sawan Park, Ashok Vihar,
 Phase-III, Delhi-110052.
11. Jitender Singh, Tax Assistant, Group 'C',
 Aged about 33 years,
 S/o Shri Suraj Singh
 R/o H.No.33, Type-II, Block-7,
 NH-IV, Faridabad, Haryana-121001.
12. Neeraj Kumar Katariya, Tax Assistant, Group 'C',
 Aged about 28 years,
 S/o Sheri Tej Pal,
 R/o L-II, Block, H.No.910, Bandh Road,
 Sangam Vihar, New Delhi-110062. ... 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-110 002. ... Respondents

(By Advocate: Shri Satish Kumar)

ORDER

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

The applicants, 11 in number, and working as Tax Assistants under the respondents, filed the OA seeking a declaration that the action of respondents in not counting their past regular service as Tax Assistants in their old regions before their Inter-Commissionerate transfer to the present region, for determining their eligibility for promotion to the posts of Sr. Tax Assistants and the Income Tax Inspectors as illegal and for issuance of a consequential directions with all consequential benefits, by extending the orders of this Tribunal dated 15.01.2016 in **OA No.4547/2015** in

Manglalzom Gangte and Others Vs. The Secretary

(Revenue), Ministry of Finance and Others.

2. Heard Shri M.K. Bhardwaj, learned counsel for the applicants and Shri Satish Kumar, learned counsel for the respondents and perused the pleadings on record.

3. The learned counsel appearing for the applicants submits that the applicants were originally appointed as Tax Assistants in different zones during 2012 to 2014 and thereafter, as per

the request of the applicants, the respondents transferred them to Delhi Zone vide different orders as per rules. However, as per the ICT Policy, though some of them were promoted as Sr. Tax Assistants prior to their transfer to Delhi Zone, but after they were transferred to Delhi Zone, they were reverted to the lower post of Tax Assistants and placed at the bottom of the seniority list of Tax Assistants in Delhi Zone, which was duly accepted by the applicants. The learned counsel further submits that though the applicants were placed in the bottom of the Tax Assistants seniority list in the Delhi Zone, but they are entitled for consideration of their regular service rendered as Tax Assistants in the old regions for determining their eligibility period for consideration of their cases for promotion to the posts of Sr. Tax Assistants and Income Tax Inspectors as per the settled principles of law.

4. The learned counsel places reliance in support of the claim of the applicants on the decision of this Tribunal in **OA No.2064/2014** dated 15.10.2014 in **Chet Ram Meena and Others Vs. Secretary, Ministry of Finance and others** as upheld by the Hon'ble High Court of Delhi in **W.P. (C) No.8063/2017** dated 21.09.2017 and the judgment in **OA No.4547/2015** dated 15.01.2016 in **Manglalzom Gangte and Others Vs. The Secretary (Revenue), Ministry of Finance and Others**.

5. Per contra, the respondents submits that the decision in **Chet Ram Meena** was the first judgment on the subject and basing on which this Tribunal passed various other decisions including **Manglazom Gangte and Others** (supra) etc. and since now in **SLP No.9643/2016** vide its order dated 12.01.2018, the Hon'ble Supreme Court of India has granted stay of the operation and implementation of the order in **Chet Ram Meena** (supra), till the said stay is vacated or the said SLP is finally decided, no orders can be passed basing on the said decision or any other decision which was passed basing on the decision in **Chet Ram Meena** (supra).

6. The learned counsel for the applicants while not disputing the fact that the decision in **Chet Ram Meena** (supra) was stayed by the Hon'ble Apex Court, however, submits that since the Hon'ble High Court of Delhi in **W.P. (C) No.8063/2017** in **Union of India and Others Vs. Manglazom Gangte and Others** vide order dated 21.09.2017 which was filed against the decision of this Tribunal while affirming the decision of this Tribunal in **Manglazom Gangte and Others** (supra) observed that **Chet Ram Meena** was allowed basing on various other decisions of the Hon'ble Apex Court, the instant OA is also liable to be allowed in terms of **Manglazom Gangte and Others** (supra).

7. We cannot accept the contention of the learned counsel for the applicants, since as on the date of disposal of W.P. (C) 8063/2017 in **Manglalzom Gangte and Others**, there was no stay of the Hon'ble Apex Court in **Chet Ram Meena** (supra). When once the Hon'ble Apex Court stayed the first judgment in **Chet Ram Meena** (supra), basing on which the other decisions including **Manglalzom Gangte and Others** (supra) were also disposed of, the instant OA cannot be disposed of basing on **Chet Ram Meena** (supra) or on **Manglalzom Gangte and Others** (supra).

8. In the circumstances and in view of the operation of the stay order in **Chet Ram Meena** (supra), the instant OA is directed to be adjourned *sine die*. However, both the parties are at liberty to file an appropriate application seeking fixation of the date for hearing of the OA, once the stay in **Chet Ram Meena** (supra) is vacated or the relevant SLP is finally decided by the Hon'ble Apex Court. No costs.

(NITA CHOWDHURY)
Member (A)

(V. AJAY KUMAR)
Member (J)

RKS