

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
**ORIGINAL APPLICATION NO. 060/00438/2017,
M.A. No. 060/00625/2017 & M.A. NO. 060/319/2018**

Chandigarh, this the 7th day of March, 2018

...
**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

...

1. Sonam d/o Sh. Ramesh Kumar, aged 24 years, o/o Joint Commissioner of Income Tax, Hisar Range, Hisar, Ayakar Bhawan, Sector 14, Hisar, working as Stenographer Grade-II, R/o H. No. 984 Gandhi Nagar Near Adarsh School, Hisar.
2. Priyanka d/o Sh. Birbal, age 29 years, o/o Joint Commissioner of Income Tax, Kurukshetra Range, Kurukshetra, Sector 17, Kurukshetra, working as Stenographer Grade-II, R/o H. No. 396/22, Rajendra Colony, Near Guru Nanak School, Kurukshetra, Haryana, Group-C

....APPLICANTS

(Argued by: Shri Rohit Seth, Advocate)

VERSUS

1. Union of India through Chairman CBDT, North Block, New Delhi.
2. Principal CCIT, NWR, Aayakar Bhawan, Sector 17-E, Chandigarh.
3. Deputy Commissioner of Income Tax (HQ) (Vig.), Aayakar Bhawan, Sector 17-E, Chandigarh.
4. Kapil Kumar Income Tax Inspector, Office of the Pr. Commissioner of Income Tax-3, Aayakar Bhawan, Rishi Nagar, Ludhaina, Punjab.
5. Parvinder Singh, Income Tax Inspector, office of the Pr. Commissioner of Income Tax (Central), Income Tax Office Jalandhar, Punjab.

....RESPONDENTS

(By Advocate: Shri K.K. Thakur)

ORDER (Oral)**SANJEEV KAUSHIK, MEMBER (J)**

This Original Application (O.A.) has been filed by the two applicants seeking the following reliefs:-

“i) Quash order dated 24.03.2017 (Annexure A-1) and 24.03.2017 (Annexure A-2) vide which the representations of applicants for counting their regular service prior to inter (change) charge transfer for purpose of eligibility for consideration and promotion as Inspector of Income Tax has been declined illegally despite the fact that said issue has been laid at rest by Hon’ble Supreme Court, various High Courts and Tribunals in umpteen number of judgments.

ii) Quash Order dated 30.3.2017 (Annexure A-3) to the extent the same relates to promotion of respondent No. 4 and 5 as Income Tax Inspectors, as the same has been passed by overlooking the claim of the applicants who had cleared the eligibility examination for promotion as Inspector much earlier in time than the all other eligible candidates from Stenographer cadre as applicants were illegally kept out of zone of consideration by not counting the entire length of regular service for the purpose of eligibility.

iii) Direct the respondents to convene a review DPC for consideration and promotion of applicants as Inspectors in Grade Pay 4600/-with effect from date their colleagues were so promoted vide order dated 30.03.2017 (Annexure A-3) as per existing Recruitment Rules being eligible in terms thereof by counting their past service in the light of the law laid down by this Hon’ble Tribunal in the light of law laid down by Hon’ble Supreme Court and High Courts in similar cases.”

2. After exchange of pleadings between the parties, the case came up for hearing today.

3. We have heard the learned counsel appearing for the parties.

4. Mr. Rohit Seth, learned counsel for the applicants submitted that the applicants are simply seeking consideration of their past service for promotion to the post of Inspector rendered by them in the earlier Commissionerate.

5. Mr. K.K. Thakur, learned counsel appearing on behalf of respondents made a statement that the respondents have already considered the case of similarly situated persons in terms of various judicial pronouncements, where the benefit has been extended and

the case of the applicants will also be considered in terms of law and rules on the subject by taking into consideration their past service.

6. Considering the statement made by the learned counsel for respondents that the respondents have taken a decision to consider the case of the applicants for promotion to the post of Inspector by taking into consideration their past service rendered in earlier Commissionerate, if they are otherwise found eligible, and come within the zone of consideration, this O.A. stands disposed of accordingly. M.A. Nos. 60/438/2017 & 060/319/2018 also stand disposed of. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 07.03.2018

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