



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. O.A. 1412 of 2017

Date of order: 28.8.2018

**Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member**

**Gautam Prasad,
Aged about 31 years,
Son of Shri Bhagwan Prasad,
Residing at Jai Hind Udyan,
Sapuipara (E), Bally,
West Bengal and working to the post of
Inspector of Income Tax in the Income Tax
Office Aayakar Bhawan Poorva, Pr. CIT,
C-1, 110, Shantipally, E.M. Bypass,
Kolkata – 700 107.**

.. Applicant

- VERSUS -

- 1. Union of India,
Service through the Secretary,
Ministry of Finance,
Department of Revenue,
Government of India,
128-B, North Block,
New Delhi – 110 001.**
- 2. The Central Board of Direct Taxes,
Directorate of Income Tax
(Human Resource Development),
Service through the Chairman-Person,
Government of India,
Ministry of Finance,
Central Board of Direct Taxes,
Directorate of Income Tax
(Human Resource Development),
ICADR Building, Plot No. 6,
Vasant Kunj Institutional Area,
Phase II,
New Delhi – 110 070.**
- 3. The Principal Chief Commissioner of
Income Tax (CCA),
West Bengal & Sikkim,
Aayakar Bhawan, P-7, Chowringhee Square,
Kolkata – 700 069.**

4. The Secretary,
The Department of Personnel & Training,
North Block,
Central Secretariat,
New Delhi – 110 001.

.. Respondents

For the Applicant : Mr. P.C. Das, Counsel
Ms. T. Maity, Counsel

For the Respondents : Mr. T.K. Chatterjee, Counsel

ORDER (Oral)

PER DR. NANDITA CHATTERJEE, ADMINISTRATIVE MEMBER:

The instant Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

"(a) To quash and/or set aside the impugned Office Order No. F. No. C/284 dated 29.6.2017 whereby the Principal Chief Commissioner of Income Tax, West Bengal & Sikkim rejected the claim of the applicant for promotion to the post of Income Tax Officer for the vacancy year of 2015-2016 inspite of being an eligible one being Annexure A-9 of this Original Application despite the fact that your applicant was declared successful in the selection process conduct by the respondent department in Departmental Examination for the post of Income Tax Officers – 2014 which was held in June & July, 2014 being Annexure A-3 of this original application;

(b) To pass an appropriate order directing the respondent authority to conduct the DPC immediately for considering the promotion of the applicant to the post of Income Tax Officer for the vacancy year 2016-2017 either on ad hoc basis or regular basis who is other became eligible and also passed in Departmental Examination for the post of Income Tax Officer-2014 which was held in June & July, 2014;

(c) To declare the non-conducting the DPC by the respondent authority in respect of consider the case of the application for promotion to the post of Income Tax Officer for the vacancy year of 2016-2017 by violation of the office memos of the Department of Personnel & Training, New Delhi dated 28th May, 2014, 4th December, 2003, 6th October, 1999, 8th September, 1998 and further direct the respondent authority to conduct DPC immediately to the post of Income Tax Officer for the vacancy year 2016-2017 along with all consequential benefits."

2. Heard Ld. Counsel for both sides.

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3. Ld. Counsel for the applicant submits that, as prayed for in the instant O.A., directions may be issued to the respondent authorities to conduct the DPC without any further delay to consider the promotion of the applicant to the post of Income Tax Officer for the vacancy year 2016-2017, as the applicant is otherwise eligible and has qualified in departmental examinations.

4. Ld. Counsel for Respondents submits that DPC could not be conducted by the respondents for reasons beyond their control.

5. We are of the view that no useful purpose will be served in keeping this original application pending.

6. Hence, without entering into the merits of the case, we hereby grant the applicant liberty to prefer a comprehensive representation before the competent respondent authority praying for early conduct of DPC, within ten days of receipt of a copy of this order. Upon receipt of such representation, the competent respondent authority is directed to consider the prayer of the applicant in accordance with law and, subject to any other judicial pronouncements with respect to conduct of such DPC, issue a reasoned and speaking order within a period of 8 weeks from the date of receipt of such representation and to communicate it to the applicant immediately thereafter.

7. With this, the O.A. is disposed of. There will be no order on costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP