

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

Date of order : 9.2.2018

No. OA 350/109/2018

Present: Hon'ble Ms. Manjula Das, Judicial Member

**ASHIM MUKHERJEE
SUBHASIS CHATTERJEE
AMIT MUKHERJEE
ASHIM SIL
FALGUNI SAHA**

All working in the post of
Stenographer Grade-I
In the office of the
Principal Chief Commissioner
Of Income Tax,
West Bengal & Sikkim,
Aayakar Bhawan
P-7 Chowringhee Square,
Kolkata - 700069.

...APPLICANT

VERSUS

1. Union of India, through
The Secretary,
Ministry of Finance,
Dept. of Revenue,
Govt. of India,
128-B North Block,
New Delhi - 110001.
2. The Director,
Govt. 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 - 110070.
3. The Principal Chief Commissioner
of Income Tax
West Bengal & Sikkim,
Aayakar Bhawan
P-7 Chowringhee Square,
Kolkata - 700069.

...RESPONDENTS.

For the applicant : Mr.P.C.Das, counsel
Ms.T.Maity, counsel

For the respondents: Mr.R.Haldar, counsel



O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

Mr.P.C.Das, ld. Counsel assisted by Ms. T.Maity, ld. Counsel appears for the applicant and Mr.R.Haldar, ld. Counsel appears for the respondents.

2. The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) Leave be granted to move one single application jointly under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 as the applicants have got a common grievances against the same impugned proposal for draft of Recruitment Rules and all of them are similarly circumstanced persons;
- b) To pass an appropriate order directing the respondent authority to conduct DPC within a specific period of time for considering the promotion of the present applicants to the post of Income Tax Inspectors, who are belonged to Stenographers' Cadre and have been declared successful in the Departmental Examination for the post of Income Tax Inspectors and in terms of the Recruitment Rules existing in the field dated 8.9.1986 and if the applicants are found eligible for getting such promotion; an order of promotion to the post of Income Tax Inspectors be issued with effect from the date when they became eligible for the same along with all consequential benefits;
- c) To pass an appropriate order directing the respondent authority that in terms of the instructions of the Central Board of Direct Taxes dated 27.5.2014, 15.3.2016 and 23.2.2017 a DPC may be conducted for considering the promotion of the present applicants to the post of Income Tax Inspectors, and to issue such promotion orders if they become eligible for the same along with all consequential benefits;
- d) To quash and/or set aside the proposal of draft Recruitment Rules for the post of Executive Assistant dated 5.8.2016 issued by the Income Tax Officer of Directorate of Income Tax, Human Resource Development, Central Board of Direct Taxes being Annexure A/14 of this original application without filling up the vacancy to the post of Income Tax Inspectors from the Stenographers' Cadre by violation of the statutory Recruitment Rules existing in the field dated 8th September, 1986.

The brief fact of the case as narrated by Mr.Das, ld. Counsel for the applicant is that all the applicants were appointed to the post of Stenographer Grade II vide office orders dated 13.3.2013 and 21.3.2013. All the applicants thereafter sat in the Departmental Examination for a Ministerial Staff in respect of promotion to the post of Income Tax Inspector conducted by the respondent authorities through Departmental Selection Process and all of them were declared successful for promotion to the post of Income Tax Inspectors.

The grievance of the applicants is that there is a statutory Recruitment Rules existing in the field which was published by the Income Tax Department on 8.9.1986. In terms of the said statutory Recruitment Rules all the applicants belonged to Stenographers' Cadre and have cleared the Departmental Examination and declared successful for the post of Income Tax Inspectors. But the respondents are filling up the promotional post of Income Tax Inspectors from Ministerial Cadre ignoring the Stenographers' Cadre. Central Board of Direct Taxes vide office orders dated 27.5.2014, 15.3.2016 and 23.2.2017 directed all the Income Tax Departments throughout the country for conducting of DPC for Group B and C Grade for vacancy years 2013-14, 2016-17 and 2017-18. The Income Tax Departments of Bhubaneswar, Kochi, New Delhi and Ahmedabad have already issued promotional orders after conducting DPCs. In all these offices the promotion to the post of Income Tax Inspectors have been considered from Stenographers' Cadre whereas the Income Tax Department, Kolkata did not consider the case of the present applicants in utter violation of the Recruitment Rules.

Without considering the case of the applicants, the respondent authorities are now sending proposal by way of draft Recruitment rules and if the same is finalized the applicants will be seriously prejudiced because their promotional aspect to the post of Income Tax Inspectors will be frustrated. Being highly aggrieved the applicants made individual representations on 8.1.2018 which is still pending. Hence the present applicants have approached this Tribunal in the present OA.

5. In view of the foregoing discussions, I hereby dispose of with a direction upon the respondent authorities to examine and verify the case of the applicants and if the applicants are found suitable and genuine as per the Recruitment Rules in extent, their case will be considered for placing the matter before the DPC. The respondent authorities are also directed to consider and dispose of the individual representations dated 8.1.2018 within a period of two months from the date of receipt of the copy of this order with a reasoned



and speaking order. The decision so arrived shall be communicated to the applicant forthwith.

6. The OA is accordingly disposed of. No order as to costs.

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(MANJULA DAS)

JUDICIAL MEMBER

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