

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

O.A. No. 594/2018

Date of decision: 27.11.2018

Hon'ble Mr. Suresh Kumar Monga, Member (J)
Hon'ble Mr. A. Mukhopadhaya, Member (A)

1. Satyaveer Singh Yadav, S/o Shri Prabhu Dayal Yadav, aged about 52 years, presently as Income-tax Inspector, in the office of Principal Director of Income Tax (Investigation), Statue Circle, Jaipur R/o B-804, Gomti Apartments, Sector-18, Pratap Nagar, Tonk Road, Jaipur.
2. Ram Kumar Gupta, S/o Late Shri Manohar Lal Gupta, aged about 51 years, presently as Income-tax Inspector, in the office of ITO Ward-5, Statue Circle, Jaipur R/o B-21, Dev Nagar, Near Arihant Diagnostic Centre, Tonk Road, Jaipur.

(By Advocate: Shri Shobhit Tiwary)

Versus

1. Union of India through Secretary, Ministry of Finance, Department of Revenue, Government of India, North Block, New Delhi-110001.
2. Central Board of Direct Taxes through its Chairman, Shri Sushil Chandra, North Block, New Delhi-110001.
3. Principal Chief Commissioner of Income Tax, Rajasthan Region, NCR Building, Bhagwan Das Road, Statue Circle, Jaipur-302005.
4. Secretary, Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, North Block, New Delhi-110001.
5. Pooran Mal Raigar, S/o Shri Teja Ram Raigar, aged 50 years, House No.473, Banskho, Bassi, Jaipur, presently working as Income tax Inspector, Ward-1(4), Jodhpur-342006.

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6. RamKesh Meena, S/o Shri Sharwan Lal Meena, aged 45 years, R/o Quarter no.76/3, Income Tax Colony, Kailgiri Road, Malviya Nagar, Jaipur, presently working as Income tax Inspector, Range-3, Jaipur.

...Respondents.

ORDER (ORAL)

Per: Suresh Kumar Monga, Member (J):

Learned counsel for the applicants contends that vide order dated 26.09.2018 passed in SLP (Civil) No.30621 of 2001, while answering a reference, the Hon'ble Supreme Court has held that the case of **M.Nagraja vs. Union of India** does not require to be revisited or referred to a Larger Bench. He states that in view of the said answer to reference, the seniority list of the Feeder Cadre for promotion to the post of Income-tax Officer has not been revised by the respondents and they are in the process of convening a meeting of Departmental Promotion Committee (DPC) by the end of December 2018. He further states that the applicants moved representations dated 07.12.2017 and 12.12.2017 (Annexures A/1 and A/2), which are pending with the respondents and their right to get promotion to higher posts will be seriously prejudiced, if the respondents convene a meeting of DPC before taking any decision on those representations.

2. Learned counsel for the applicants states that the applicants would be satisfied if a time bound direction is given to

(3)

Respondent No.3 to dispose of their pending representations and then take a decision for convening a meeting of DPC.

3. Keeping in view the limited prayer made by learned counsel for the applicants, we deem it appropriate to dispose of the instant Original Application at the admission stage itself.

4. Accordingly, the instant Original Application is disposed of with a direction to Respondent No.3 to take a decision over the pending representations of the applicants in accordance with law within a period of one month from today. A further direction is issued that before taking any decision over those representations, the applicants as well as respondent nos.5 and 6 shall also be afforded an opportunity of hearing. Needless to observe that Respondent No.3 while disposing of the applicants' representations, shall take into consideration the law laid down by the Hon'ble Supreme Court in the cases of M.Nagraja vs. Union of India, 2006 (8) SCC 212, B.K.Pavitra vs. Union of India & Others 2017 (4) SCC 620 and Jarnail Singh & Others vs. Lachhmi Narain Gupta & Others SLP (Civil) No.30621/2011 decided on 26.09.2018.

(A.Mukhopadhaya)
Member (A)

(Suresh Kumar Monga)
Member (J)

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