

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.1683/2015

Friday, this the 29th day of March 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Sh. Sunny Abraham
s/o Sh. C P Abraham
Posted as ACIT (HQ-2), Surat
Presently in Delhi
Aged about 58 years
r/o 601, Shivanjali Aptts.
Rangila Parka, Ghoddod Road
Surat (Gujarat)

...Applicant
(Mr. Karan Chawla, Advocate for Mr. Nilansh Gaur, Advocate)

Versus

1. Union of India through Revenue Secretary
Ministry of Finance
Department of Revenue
Central Board of Direct Taxes
North Block,
New Delhi – 110 001
2. The Chairman
Central Board of Direct Taxes
North Block, New Delhi – 110 001

...Respondents
(Mr. Gyanendra Singh, Advocate)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

This O.A. is filed with a prayer to direct the respondents to grant Selection Grade (NFSG) to the applicant, w.e.f. 01.01.2014, including promotion on designated post of Additional Commissioner of Income Tax.

2. The respondents filed counter affidavit opposing the O.A. It is stated that the disciplinary proceedings were initiated against the applicant and punishment was imposed vide memorandum dated 23.01.2014, and though the O.A. No.1157/2014, filed against it, was allowed on 20.04.2015, W.P. (C) No.7649/2015 filed thereagainst is pending before the Hon'ble Delhi High Court.

3. We heard Mr. Karan Chawla for Mr. Nilansh Gaur, learned counsel for applicant and Mr. Gyanendra Singh, learned counsel for respondents.

4. The prayer in this O.A. is to grant Selection Grade (NFSG) w.e.f. 01.01.2014. The fact, however, remains that the relief cannot be granted as long as the punishment imposed upon the applicant is in force. It is a matter of record that the applicant was imposed punishment vide memorandum dated 23.01.2014 and though O.A. No.1157/2014, filed against it, was allowed by the Tribunal, the writ petition filed by the respondents, is pending before the High Court. It is only after the writ petition is finally disposed of, that the plea of the applicant for grant of Selection Grade (NFSG) w.e.f. 01.01.2014 can be considered.

5. We, therefore, dispose of the O.A. leaving it open to the applicant to claim the relief for grant of Selection Grade (NFSG)

w.e.f. 01.01.2014 depending on the outcome of W.P. (C) No.7649/2015.

There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 29, 2019
/sunil/