



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA**

O.A/350/573/2016

Date of Order: 05.08.2019

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

1. Bijoy Kumar Sharma, son of Bisnudeo Sharma, aged about 33 years, worked as Inspector, residing at 24/1, EK Ford Road, Post Office – Sukchar Kolkata 700115.
2. Indranil Dutta, son of Dilip Kumar Dutta, aged about 37 years, worked as Inspector, residing at 40/18A, Moore Avenue, Kolkata 700040.
3. Sumangal Kumar, son of Birendra Kumar, aged about 36 years, worked at Inspector, residing at Q. No. 3/3, Block -2, Type -III, Aayakar Niwar, 18, Ultadanga Main Road, Kolkata 700067.
4. Sri Uttam Kumar Saw, son of Sri Prahlad Saw, aged about 31 years, worked as Income Tax Inspector, residing at Aayakar Abasan, 110 Shantipally, Type - III, Qtr. No. 10, Block -B, Kolkata 700107.

--Applicants

Versus

1. The Union of India, through the Secretary, Ministry of Finance, Department of Revenue, Parliament Street, New Delhi 1.
2. The Secretary, Department of Personnel and Training, Government of India, Lokanayak Bhawan, Khan Market, New Delhi 1.
3. Chairman, Central Board of Direct Taxes, North Block, New Delhi 1.
4. Principle Chief Commissioner of Income Tax, West Bengal & Sikkim, Aayakar Bhawan, P-7, Chowringhee Square, Kolkata 700069.
5. Nilendu Ganguly, Inspector under Pr. CIT 2, Kolkata-69.
6. Smt. Shila Biswas, Inspector under P.R CIT-16, Kolkata -69.
7. Suman Bhowmik, under Inspector Add/JCIT Head Quarter (Admn and vig) Finance – 69.
8. Avijit Dey, Inspector, under Pr. CIT-8, Hooghly – 712103.

--Respondents

For The Applicant(s): Mr. A. Chakraborty, counsel
Ms. P. Mondal, counsel

For The Respondent(s): Mr. P. Mukherjee, counsel

O R D E R (Oral)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. Counsels for both the parties.

2. This application has been filed to seek the following reliefs:

“ i) Office Order dated 10.03.2016 issued by the Principal Chief Commissioner of Income Tax, West Bengal and Sikkim in respect of the applicants cannot be sustained in the eye of law and therefore the same may be quashed.

ii) Direct the respondents to retain the applicants in the early seniority list of the Inspectors with all consequential benefits as holding the post of Income Tax Inspector.

iii) Pass such other order or orders, direction and/or directions as your Lordships may deem fit and proper.

iv) Leave may be granted to add the all the applicants in the original application under rule 4(5)(a) of the CAT Procedure Rule, 1987.”

3. At hearing, both the ld. Counsels agreed that the matter can be disposed of with a direction upon the CBDT or the concerned respondent authority to pass appropriate orders in regard to restoring the seniority of the applicants in view of the CBDT order/circular dated 27th May, 2019, a relevant extract whereof is as under:

“3. In the light of order dated 22/01/2018 of Hon'ble High Court of Delhi and DOP&T's OM dated 04.03.2014, the Department reviewed the implementation of N.R Parmar order of Hon'ble Supreme Court of India in consultation with Department of Personnel and Training and Department of Legal Affairs and the Competent Authority has decided as under:

- i) That the advisories, issued by the O/o DGIT (HRD), vide letters No. HRD/CM/220/14/2013-14/4275 dated 29.09.2014, No. HRD/CM/220/14/2013-14/6672 dated 07.11.2014 and No. HRD/CM/220/14/2013-14/7912 dated 16.01.2015 for implementation of N.R Parmar Judgement and for conducting review DPCs of all the DPCs conducted till 27.11.2012 are withdrawn ab initio.
- ii) That the N.R Parmar case judgment of Hon'ble Supreme Court of India shall be implemented in the Department in the respective grades prospectively i.e w.e.f 27.11.2012 as has been implemented in the various Ministries/Departments of the Government of India in terms of DoP&T's OM No. 20011 1/2012-Estt.(D) dated 04.03.2014. The cases of seniority already settled with reference to the applicable interpretation of the term availability, as contained in DoP&T OM dated 7.2.86/3.7.86 shall not be reopened. The regions are required to undo the actions taken by them in the light of advisories dated 29.09.2014, 07.11.2014 and 16.01.2015, issued by the O/o DGIT (HRD) and restore the seniority position of the respective officers in the respective grade that was maintained before N.R Parmar order.”

4. Accordingly, without entering into the merits, we dispose of the O.A with a direction upon the respondent authorities to examine the grievance of the applicants in the light of the circular supra and pass appropriate order recasting the seniority of the applicants in accordance with law within a period of 3 months from the date of receipt of a copy of this order and communicated to the applicants forthwith. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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