

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
KOLKATA



OA. 350/531/2018

Date of order: 31.07.2019

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

Atanu Malik, son of Ajit Kumar Malik,  
aged about 50 years, working as  
Assistant Commissioner of Income Tax  
Circle-Bhogalpur, residing at 12E,  
Ballygunge Station Road, Bidisha  
Apartment, Flat No. 11C, Kolkata- 700  
019.

....Applicant.

-versus-

1. Union of India, through the  
Secretary, Ministry of Finance,  
Government of India, North  
Block, New Delhi 110001.
2. Chairman, Central Board of  
Direct Taxes, North Block, New  
Delhi 1.
3. The Principle Chief Commissioner  
of Income Tax, West Bengal &  
Sikkim, Aayakar Bhawan, P-7,  
Chowringhee Square, Kolkata  
700069.
4. The Income Tax Officer (HRD)  
CMD-1, HRD New Delhi ICADR  
Building, Plot No. 6, Vasant Kunu  
Institution from Phase II New  
Delhi 110070.

5. Sanjay Kumar Verma, ACIT(OSD)  
Ward-12(4) Kolkata, 7<sup>th</sup> Floor,  
Aayakar Bhawan, P-7,  
Chowringhee Square, Kolkata-  
700 069.

.....Respondents.

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. B. B. Chatterjee, Counsel

### O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM:

Heard ld. Counsels for both the parties.

2. 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 27<sup>th</sup> May, 2019, a relevant extract were of 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for implementation of N.R Parmar Judgement and for conducting review DPCs of all the DPCs conducted till 27.11.2012 are withdrawn ab initio.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."

3. Accordingly, without entering into the merits, we dispose of the O.A with a direction upon the 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 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.

4. Thus the OA stands disposed of. No costs.

**(Dr. Nandita Chatterjee)**  
**Member (A)**

**(Bidisha Banerjee)**  
**Member (J)**

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