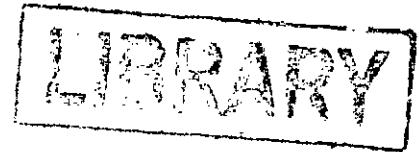


CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



OA. 350/559/2018

Date of order: 23.07.2019

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

***Subir Sanpui
Vs.
Income Tax***

For the Applicant : Mr. A. Chakraborty, Counsel

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

ORDER (Oral)

Per Ms. Bidisha Banerjee, JM:

This OA was preferred to seek the following reliefs:

"8(a) Circulation of revised final seniority list in the cadre of Income Tax Officer parenting to Panel/vacancy year 1989-90 to 2005-06 in the region of West Bengal and Sikkim issued vide office order No. 2E/28/ITO(PROM)/16-17/38696 dated 04.01.2017 issued Commissioner of Income Tax for the Principal Chief Commissioner of Income Tax, West Bengal and Sikkim cannot be sustained in the eye of law since the Principles for determination of inter se seniority of direct recruit and promotes would be effective from 27.11.2012, the date of Supreme Court judgement in the case of N.R. Parmar vs. Union of India & Ors.

(b) Circulation of revised final seniority cannot be acted up in view of office memorandum dated 30.09.2016 which provides that till such time the main matter along with contempt petition is decided, no further promotion of the reserved category persons to unreserved post will be made based on DOP&T OM dated 10.08.2010.

(c) Circulation of all India inter se seniority list of ITO 2017 dated 05.02.2018 cannot be sustained in the eye of law and same may be quashed and earlier seniority list may be restored.

(d) Office order dated 31.01.2017 issued by Income Tax Officer (HRD) cannot be sustained in the eye of law and same may be quashed.

(e) Office order dated 14.12.2016 issued by the Principles CCII West Bengal and Sikkim cannot be sustained and as such the same may be quashed."

2. Heard both.
3. At hearing both the counsels agreed that the matter can be disposed of in the light of the DOPT's O.M. No. 20011/1/2012-Estt. (D) dated 04.03.2014.
4. Accordingly, the present OA is disposed of with a direction upon the respondents to consider the matter in the light of the OM and pass an appropriate order within 3 months from the date of receipt of a copy of this order. No costs.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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