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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.672/2019

Date of Decision: 3rd October, 2019

CORAM: R. VIJAYKUMAR, MEMBER (A)
RAVINDER KAUR, MEMBER (J)

1. Yogesh Takshak, a/o 34 years,
Occ: Income Tax Officer,
Q.No.12, Type-IV, Income Tax
Colony, Seminary Hills,
Nagpur - 440 006.
2. Vivek Ranjan Kumar Singh
a/o. 31 years, Occ:Income Tax
Inspector R/o. 2nd Floor,
Mohan Plaza, Suraj Nagar,
Yavatmal - 445 001.
3. Sarvan Kumar, a/o 33 years,
Occ:Income Tax Officer,
R/o. Qtr. No.1, Type-III,
Income Tax Building,
Nandura Road, Khamgaon,
Buldana - 444 303.
4. Anil Kumar Meena, a/o.39 years,
Occ:Income Tax Officer,
R/o.13/IV Income Tax Colony,
Seminary Hills, Nagpur - 440 006.
5. Shankar Dayal Tiwari,
a/o.32 years, Occ:Income Tax
Officer, R/o.3rd Floor,
Unique Tower, Jamb Road,
Yavatmal - 445 001.
6. Chetan S. Deshmukh, a/o. 31 years,
Occ:Income Tax Officer,
17A, Om Sai Vihar, Deep Pratishthan
Colony, Rahatgaon,
Amravati - 444603.
7. Shashi Bhushan Ojha,
a/o.38 years, Occ:Income Tax Officer
R/o. Qtr No.11, Type-IV,
Income Tax Colony, Seminary Hills,

Nagpur - 440 006.

8. Rajeev Kumar Singh
a/o.44 years, Occ:Income Tax Officer,
R/o. H.No.1060, Yojana Nagar,
Bela, Bhandara - 441 906.
9. Surendra Kumar, a/o.35 years,
Occ:Income Tax Inspector,
R/o. 403, Gajanan Palace,
Gokul Housing Society,
Gorewada Road, Nagpur - 13.
10. Ratnesh Kumar Karn,
a/o.40 years, Occ:Income Tax Officer,
R/o.28B, Maa Jagdamba Nagri,
Godhani, Nagpur.
11. Nitin Kumar, a/o.33 years,
Occ:Income Tax officer,
R/o.Qtr. No.15, Type-4,
Income Tax Colony,
Seminary Hills, Nagpur - 440 016.
12. Rahul Jain, a/o.32 years,
Occ:working as Income Tax Officer,
R/o.401, C-05, A Wing,
Utkarsh Nagar, Katol Road,
Nagpur - 13.
13. Amit Sardar, a/o.43 years,
Occ:Income Tax Officer,
R/o. Flat No.101, Ikon Harmony
Appt., Arya Nagar, Koradi Naka,
Nagpur.

... Applicants

(By Advocate Shri Alok Upasani)

VERSUS

1. Union of India, through Secretary,
Ministry of Finance,
Department of Revenue,
129-A, North Block,
New Delhi - 110 001.
2. The Chairman, Central Board of
Direct Taxes, ARA Centre, E-2,
Jhande Walan Extension,

New Delhi - 110 055.

3. The Principal DGIT (HRD),
2nd Floor, JLN Stadium,
Pragati Vihar,
New Delhi - 110 003.
4. The Principal Chief Commissioner of
Income Tax, Aayakar Bhawan,
Civil Lines,
Nagpur - 440 001 ... **Respondents**

ORDER (ORAL)

PER: R. VIJAYKUMAR, MEMBER (A)

MA No.628/2019 filed by the applicants
for Joint Petition is allowed.

2. Heard learned counsel in reference to the judgment of the Hon'ble High Court of Delhi in the case of Ms. Veena Kothavale & Anr. Vs. Union of India & Ors., WP No.3087/2016 which had been dismissed vide order dated 22.01.2018 for which SLP filed by one of the parties (Diwakar Singh Vs. Union of India & Ors., SLP No.11905-11906/2018) had been dismissed by the Hon'ble Apex Court on 16.05.2018

3. Learned counsel for the applicants submits that the respondents have issued an advisory purporting to be based on the judgment of the Hon'ble High Court of Delhi. The applicants filed representations with respondent No.2 on 10, 15 & 26th July, 2019 for

which, no reply has been received.

4. Learned counsel for the applicants submits that respondents are proceeding with the conduct of review DPC and are altering the seniority status of various persons including the applicants based on the advisory received by them in May, 2019.

5. In the facts and circumstances above, the respondent No.2 is directed to consider the representations already filed and pending with them and to pass a reasoned and speaking order explaining the factual and legal position within three weeks and to communicate these orders to the applicants within one week thereafter. The respondents are further directed not to take any adverse action in respect of the seniority of the applicants pending disposal of their applications as directed above.

6. In the aforesaid terms, this Original Application is disposed of without any order as to costs.

7. Learned counsel for the applicants submits that he will serve this order on respondents at his own instance and submit proof of service to the office, which is permitted.

(Ravinder Kaur)
Member (J)

(R. Vijaykumar)
Member (A)