

**Central Administrative Tribunal  
Principal Bench**

**OA No.3112/2019**

**MA No.3420/2019**

**MA No.3419/2019**

New Delhi, this the 21<sup>st</sup> day of October, 2019

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

1. Ashutosh Pandey,  
Inspector,  
Income Tax, Group 'C',  
Aged about 39 years,  
S/o Sh. Vijay Kumar Pandey,  
R/o L-2/70A, DDA Flats,  
Kalkaji,  
New Delhi-110019.
2. Rajiv Ranjan,  
Inspector,  
Income Tax, Group 'C',  
Aged about 40 years,  
S/o Sh. Ram Dayal Prasad,  
R/o 476, Block No.32, Income Tax Colony,  
Pitampura, New Delhi-110054.
3. Sujit Shrivastava,  
Inspector,  
Income Tax, Group 'C',  
Aged about 40 years,  
S/o Late Sh. Chandrika Prasad Shrivastava,  
R/o 4/173, 3<sup>rd</sup> Floor, Subhash Nagar,  
New Delhi-110027.

...Applicants

(By Advocate : Shri M.K. Bhardwaj with Shri Virender  
Kumar )

**Versus**

Union of India & Ors.

1. The Secretary (Revenue),  
Ministry of Finance,  
North Block, New Delhi.
2. The Chairperson,  
Central Board of Direct Taxes,  
North Block, New Delhi.
3. The Principal Chief Commissioner of Income Tax,  
(CCA),  
Delhi, CR Building,  
I.P. Estate, New Delhi-110002.

...Respondents

(By Advocate : Shri M.S. Reen)

**ORDER (ORAL)**

**Justice L. Narasimha Reddy, Chairman :-**

The applicants were initially appointed as Tax Assistants. Thereafter they were promoted to the post of Senior Tax Assistant and then to the post of Inspector of the Income Tax in the year 2014. They submit that though they were shown senior to many Senior Tax Assistants in the seniority list for that post, earlier the same was not maintained in the seniority list published on 06.10.2016. This OA is filed challenging the final seniority list dated 06.10.2016,

issued by the Principal Chief Commissioner of Income Tax, Delhi, for the post of Income Tax Inspectors, as on 01.09.2016. The applicants raised several contentions in their challenge to the seniority list.

2. We heard Shri M.K. Bhardwaj, learned counsel for applicants and Shri M.S. Reen, learned counsel for respondents.

3. The final seniority list dated 06.10.2016 was naturally preceded by a provisional seniority list. It is not known as to whether the applicants have raised their objections to the provisional seniority list. The fact remains that the final seniority list was published way back on 06.10.2016. If that is to be challenged, it is essential that all the persons who would be affected in case the plea of the applicants is accepted; must be made parties. In this OA, the applicants did not choose to make such Inspectors, as parties.

4. The record discloses that the Chief Principal Commissioner, Income Tax i.e. 3<sup>rd</sup> respondent initiated steps for preparation of seniority list for the post of

Income Tax Inspectors as on 31.07.2018. The provisional seniority list was published and objections were invited. Learned counsel for applicant submits that his clients may be permitted to raise the objections to the provisional seniority list dated 03.10.2018, even by raising objections pertaining to the earlier seniority list also.

5. We, therefore, dispose of the OA permitting the applicants to submit their objections to the provisional seniority list of 2018, within a period of four weeks from today. The same shall be taken into account by the 3<sup>rd</sup> respondent, while publishing the final seniority list.

Pending MAs, if any, stand disposed of.

There shall be no orders as to costs.

( Mohd. Jamshed)  
Member (A)

(Justice L.Narasimha Reddy)  
Chairman

‘rk’