

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD

Original Application No. 506 of 2012
With
Original Application No. 508 of 2012

Ahmedabad, this the 9th April, 2013

Coram : Hon'ble Shri Ashok Kumar, Member (A)
Hon'ble Shri U.Sarathchandran, Member (J)

Shri Dinanath,
Residing at: 8/A, Ratiraj Apptt,
Umiya Park Road,
Nr. Megha Tower, Bhatta,
Surat - 345 001

... Applicant in OA 506/12



Shri Abraham,
Residing at Q/4, Subhalaxmi Complex,
Satellite Road,
Surat - 345 001.

... Applicant in OA 508/12

By Advocate : Mr. M S Trivedi

V/s

- 1 Union of India, through
The Hon'ble Chairperson,
Central Board of Direct Taxes,
O/o.CBDT, Ministry of Finance,
Department of Revenue,
North Block,
New Delhi - 110 011.
- 2 The Chief Commissioner of Income Tax,
O/o.CCIT, Aayakar Bhavan,
Nr. Income Tax Circle,
Navrangpura, Ahmedabad - 9.

2

B

3 The Chairman,
Union Public Service Commission,
O/o.UPSC, Dholpur House,
Shahjahan Road,
New Delhi – 110 069.

... Respondents in OA
Nos,506/12 & 508/12

By Advocate : Mrs Bhatt for M R Bhatt & Co.

PER: HON'BLE MR.ASHOK KUMAR, MEMBER (A)

ORDER (ORAL)



O.A. Nos.506 and 508 of 2012 have been heard together because the cause of action and reliefs sought are identical in both these OAs. Common orders are therefore being passed in both these OAs. These OAs have been filed challenging the communication dated 18-6-2012 (Annexure-A/1) to hold DPC for the promotion of Income Tax Officers to the grade (ITO) of Assistant Commissioner of Income Tax (ACIT).

2. Facts stated in both these OAs are that the applicants are working in the office of respondents. The issue of inter-se seniority of Inspectors was under dispute and has now been stated to have been resolved by the judgment and decision of the Hon'ble Apex Court dated 27-11-2012 (Annexure-A/2) in Civil Appeal Nos.7514-7515 of 2005 in Union of India Vs. N.P.Parmar.

Grievance of the applicants, therefore, emanates out from the impugned communication dated 18-6-2012 and his apprehension that the DPC would be held without taking further steps in pursuance of the aforesaid decision of the Hon'ble Supreme Court.

3. Following reliefs have been sought in both these OAs:

- (A) That the Hon'ble Tribunal be pleased to allow this petition.
- (B) That the Hon'ble Tribunal further be pleased to hold/declare that inaction on the part of the respondents to hold DPC for promotion to the post of ACIT, without taking further steps in pursuance to Hon'ble Supreme Court decision.
- (C) That the Hon'ble Tribunal further be pleased to quash and set aside action/communication of the respondents dated 18.6.2012.
- (D) Such other and further relief/s as may be deemed just and proper in view of the facts and circumstances of the case may be granted."



Reply has been filed on behalf of the respondents. It has been mainly stated in the reply that the decision of the Hon'ble Supreme Court dated 27-11-2012 in the matter of Union of India Vs. N.P.Parmar was not received when the impugned communication dated 18-6-2012 has been issued convening the meeting of the DPC. Attention has been drawn to para-6 of the reply, which is reproduced below.

"6. It is submitted that in view of the Supreme Court decision dated 27/11/2012 (UOI V/s. N R Parmar), the DPC meeting which was scheduled on 18/12/2012 has now been deferred. The matter regarding the judgment of Hon'ble Apex Court dated 27/11/2012 is under examination in DOPT in consultation with Ministry of Law."

5. Mr.M.S.Trivedi, appearing on behalf of the applicant in both these OAs and Mrs.M.M.Bhatt on behalf of the respondents were heard. We have

S

B

perused the pleadings and documents on record, and have considered the common arguments in both these OAs.

6. We find that the relief sought in para-8(B) stands fulfilled by virtue of respondents' statement in the reply that the DPC has been deferred. In so far as the relief sought in para-8(C) is concerned, we do not feel it necessary to interfere with the impugned communication dated 18-6-2012 having regard to the fact that appropriate action is stated to be taken by way of deferment of DPC.

7. We find that a reading of para-6 of reply makes it clear that while the DPC has been deferred, respondents are also examining the judgment of the Hon'ble Supreme Court in consultation with the Department of Personnel & Training (DOPT) and Ministry of Law. It, therefore, appears that till such consultation is made and final view is taken, DPC would not be convened, because the matter of inter-se seniority in the light of the judgment of the Hon'ble Supreme Court would need to be considered by the respondents.

8. In view of above, no further action is required in the two OAs. O.A. Nos.506 and 508 of 2012 are disposed of accordingly

Prepared by
15/04

Compared by
TRUE COPY

(U Sarathchandran)
Member(J)

nc/

(Ashok Kumar)
Member(A)

Section Officer (J)
Central Administrative Tribunal
Ahmedabad Bench

