

URGENT
COURT MATTER
SPEED POST

F.No.C-18012/26/2003-V&L
Government of India
Ministry of Finance
Department of Revenue
Central Board of Direct Taxes

New Delhi, the 15th October, 2013

To

All the Chief Commissioners of Income Tax (CCA)

Sub: Judgement of the Hon'ble Supreme Court dated 27.11.2012 in the case of UOI & Ors. Vs. N.R. Parmar & Ors. -Reg.-

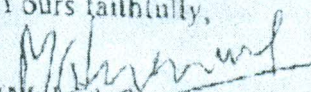
Sir/Madam,

I am directed to refer to the subject mentioned above and to state that in reference made to the DGIT (HRD) in the above case, they have *interalia* given the following comments:

"As far as giving effect to the directions of the Supreme Court, it may be said that the Hon'ble Apex Court has merely relied on the DoPT OMs dt. 07.02.1986 and 03.07.1986. In any case, till 03.03.2008, there was no further instructions from DoPT, either clarifying or rescinding these instructions of 1986. The CCAs were bound to follow the 1986 guidelines, at least till 2008. If these have not been followed in some CCA regions, resulting in undue prejudice caused to any category of officers, the same is required to be remedied by the concerned CCIT(CCA)s. If any CCA has followed the 2008 instructions after its issue, the same is now to be reversed, in view of the quashing of the 2008 OM by the Hon'ble Supreme Court. The re-fixing of seniority lists, wherever the 1986 instructions of DoPT have not been followed during the period 07.02.1986 till date, either due to express decisions of the jurisdictional CAT or High Court, or even otherwise, is a fait accompli. In my opinion, no further recourse to any further judicial intervention, such as a review, needs to be adverted to."

2. I am directed to communicate the above comments of the Directorate of HRD for further necessary action at your end.

Yours faithfully,


(Nitesh Sharma)
DCIT (OSD)(V&L)
C.B.D.T.