

**IT : Superannuation age of President and Members of ITAT will be 65 years and 62 years respectively**

- Member of Income Tax Appellate Tribunal (ITAT) will continue till age of 62 years while President till 65 years.

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**[2018] 95 taxmann.com 167 (SC)**

**SUPREME COURT OF INDIA**

**Kudrat Sandhu**

**v.**

**Union of India**

A. M. KHANWILKAR AND DR. D.Y. CHANDRACHUD, JJ.  
WRIT PETITION (CIVIL) NO. 279 OF 2017 AND OTHERS  
JULY 16, 2018

**Sidharth Luthra, Ashok Kumar Panda, Sr. Advs. Ms. Maneesha Dhir, Karan Batura, Ashu Kansal, Ms. Anushree Prashit Kapadia, Satyabrata Panda, Manoranjan Paikaray, Aniruddha Purushotham, A.K. Behera, Ms. Priya Hingorani, Naresh Kumar, Kripa Shanker Prasad, Ms. Palak Mahajan, Ms. Rhea Dube, Pravesh Bahuguna, Prashant Rawat, Arun Monga, Ms. Divya Sharma, Ms. Aishwarya Bhati, Advs., Tejaswi Kumar Pradhan, V.K. Verma, Ms. Diksha Rai, Rupesh Kumar, Ms. Anushree Prashit Kapadia and Ms. Mayuri Raghuvanshi, AOR's for the Petitioner. K.K. Venugopal, AG, Maninder Singh, ASG Mukesh Kumar Maroria, Sonal Jain, Zoheb Hossain, Ashok Mathur, AOR's S.S. Shamsery, R. Balasubramanian, Ms. Rukmini Bobde, Harish V. Shekhar, Ms. Shraddha Deshmukh, Arvind Kumar Sharma, Rohit Bhat, B.K. Prasad, Ajay Bansal, Gaurav Yadava, Ms. Veena Bansal, Ajayveer Singh Jain, Uday Ram Bokadia and Ms. Divya Garg, Advs. for the Respondent.**

**ORDER**

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1. Mr. Sidharth Luthra, learned senior counsel appearing for the petitioner in W.P.(C) No. 33/2018 submits that certain positions in the National Consumer Disputes Redressal Commission (NCDRC) have not yet been filled up though vacancies are there.
2. Mr. A.K. Behera, learned counsel for the petitioner in W.P.(C) No. 640/2017 submitted in respect of the Central Administrative Tribunal (CAT) that though the matter has reached the final stage, yet the persons have not yet been appointed.
3. Mr. K.K. Venugopal, learned Attorney General for India assisted by Mr. R. Balasubramanian, learned counsel shall obtain instructions in this regard.
4. If any anomaly is there, it will be open to learned counsel to serve a copy of the same by way of a written statement to Mr. R. Balasubramanian, who in turn, may brief the learned Attorney General.
5. Ms. Aishwarya Bhati, learned counsel shall also submit a statement in writing as regards the Armed Forces Tribunal (AFT), a copy of which shall be served on Mr. R. Balasubramanian.
6. At this juncture, we may note that there is some confusion with regard to the Income Tax Appellate Tribunal (ITAT) as regards the age of superannuation. We make it clear that the person selected as

Member of the ITAT will continue till the age of 62 years and the person holding the post of President, shall continue till the age of 65 years.

7. Let the matter be listed on 13.8.2018.

WP(C) No. 467/2018

8. Let this matter be listed alongwith Writ Petition (Civil) No. 279/2017.

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