

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD
Original Application No.1380/2013
Date of Order :11.11.2019**

Between :

B.Narsing Rao,
S/o Nooka Raju, Aged 43 years,
R/o Plot.No.81, Road No.4,
Southend Park Colony, Mansoorabad,
Hyderabad – 500 068.

... Applicant

And

1. Government of India,
Ministry of Law & Justice,
New Delhi, Rep. by its Secretary.
2. Income Tax Appellate Tribunal,
Old Central Government Offices Building,
4th Floor, Maharshi Karve Marg,
Mumbai – 400 020, Rep. by its Registrar.
3. Income Tax Appellate Tribunal,
Rep. by its Assistant Registrar,
Hyderabad Bench, Room No.502 & 505,
Vth Floor, CGO Towers,
Kavadiguda, Secunderabad.
4. Income Tax Appellate Tribunal,
Rep. by its Assistant Registrar,
Visakhapatnam Bench,
5th Floor, LIC Building, Jeevitha Bhima Road,
Main Road, Visakhapatnam.

... Respondents

Counsel for the Applicant ... Mr.G.Vidya Sagar, Advocate
Counsel for the Respondents ... Mrs.K.Rajitha, Sr.CGSC

CORAM:

Hon'ble Mr.Justice L.Narasimha Reddy ... Chairman

Hon'ble Mr. B.V.Sudhakar ... Member (Administrative)

ORAL ORDER

{ Per Hon'ble Mr. Justice L. Narasimha Reddy, Chairman }

The applicant was employed as a Court Master in the High Court of A.P. on 26.09.1996. The Ministry of Finance issued a notification in the year 2005 inviting applications for appointment to the post of Private Secretary to Members of Income Tax Appellate Tribunal on deputation basis for a period of three years. The applicant responded to that notification and he was selected for that post. The selected candidates have two options, one is to get the pay scale fixed on the basis of the pay structure for the post existing in the ITAT with one increment and the second one is to get the same scale of pay as was being drawn in the parent department. The applicant has chosen the second option and his pay was accordingly fixed.

2. The applicant submits that while he was on deputation, the pay structure in the High Court was revised and the benefit of revised the pay scales was not extended to him. This OA is filed with a prayer to direct the respondents to fix the pay of the applicant as deputationist and not as a fresh recruitee to the

post and to fix his pay at Rs.15,070/- in the revised pay scales with consequential benefits.

3. Respondents filed counter affidavit opposing the OA. It is stated that the applicant was appointed on deputation basis as Private Secretary to Member of ITAT and the pay scale was fixed in accordance with the relevant provisions of law. It is stated that the last drawn pay of the applicant in the High Court was fixed as the salary in the ITAT, when he joined the service, and by the time he left, the same was retained. It is stated that even if any revision was taken place in High Court that would not be a factor to revise the pay scale.

4. Heard Mr.P.Sudheer Rao representing Mr.G.Vidya Sagar, learned counsel for the applicant and Mrs.K.Rajitha, learned Senior Central Government Standing Counsel for the respondents.

5. The applicant came on deputation to ITAT for a period of three years. He did not have any grievance about the fixation of pay scales or emoluments at the initial stage. His grievance is only about that non-increase of his emoluments consequent to his revision thereof in High Court. The applicant is not able to cite any provision of law in this behalf. The respondents have enclosed a statement [R-4(c)] showing the pay structure of the applicant in his parent department as

well as the one for that post in the ITAT. It remains at Rs.17,879 in the parent department and Rs.17269/- in the ITAT both before and after in PB-II. Even in course of arguments, learned counsel for the applicant is not able to point out any serious discrepancy in the OA.

6. We do not find any merit in this OA and the same is dismissed. There shall be no order as to costs.

(B.V.SUDHAKAR)
MEMBER(ADMN.)

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

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