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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

MP No.226/88 in
OA 1492/87.

July 19, 1988.

Shri K.Kalyanaraman Applicant.

Vs.

Union of India & Ors Respondents.

Applicant in person.

On behalf of the respondents Mrs. Raj Kumari Chehra, counsel is present.

Additional grounds are allowed to be raised.

MP No.226/88 is disposed of accordingly.

REVIEW APPLICATION No.73/88 (MP 1357/88).

This is an application for reviewing our judgment dated 8.1.1988 dismissing the OA 1492/87 in limine. While there is some merit in the applicant's contention that the present claim of the applicant is that he should get a higher pay scale after the Fourth Pay Commission's Report which forms the subject matter of this application and the same could not have been the subject matter of the earlier writ petition No.11648/83 and writ appeal No.99/85 filed in the Madras High Court, the points raised in that writ petition as well as in OA 1492/87 are similar and the reasoning in that judgment applies with equal force to reject the claim of the applicant.

Admittedly, the post of Tax Assistant is a feeder post to the post of Head Clerk. It is also true that a Tax Assistant is eligible to be considered

Fairly

for appointment as Inspector in the Income Tax Department. But when the post of Tax Assistant is a feeder post for the post of Head Clerk, the claim of the applicant that the pay scale of a Tax Assistant should be equal to that of a Head Clerk cannot be accepted. He had claimed that under the Third Pay Commission's Report, also the Tax Assistant should be allowed a higher scale of pay equal to that of a Head Clerk. That was not accepted. The same was not accepted and acted upon by the Central Government. So far as the Fourth Pay Commission is concerned, it did not recommend the pay scale of Rs.1400-2300 now claimed by the applicant. As per the applicant, in the Third Pay Commission's Report, Tax Assistants were given the scale of Rs.380-640 and the Fourth Pay Commission revised this scale to Rs.1350-2200. That scale has been allowed to the applicant and all Tax Assistants.

For the reasons mentioned above, the post of Tax Assistant in the Income Tax Department was not declared to be higher in rank to that of a Head Clerk and Supervisor. This Tribunal under the facts and circumstances stated above, cannot also direct the respondents to create more promotional opportunities to the Tax Assistants in the Ministerial staff or direct 20% increase in emoluments to all

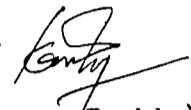


employees opting to come under the revised scale
on 1.1.1986.

No fresh material warranting review of our
judgment in regard to the reliefs claimed by the
applicant has been placed before us. This review
application is, therefore, dismissed.



(Kaushal Kumar)
Member
19.7.1988.



(K. Madhava Reddy)
Chairman
19.7.1988.