

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 1464 of 1992

Dr. J.K. Goyal

.... Petitioner

Versus

Union of India and Ors

.... Respondents

HON'BLE MR. JUSTICE R.K. VARMA, V.C.

By this petition filed Under Section 19 of the Administrative Tribunals Act 1985, the petitioner has sought a direction to the Respondents to pay the amount of reward declared in favour of the petitioner together with interest w.e.f. 30.6.86.

2. The petitioner was selected in the Indian <sup>Revenue</sup> ~~Govt.~~ <sub>Army</sub> Service under the Govt. of India in the year 1969 and duly joined the same as an Income Tax Officer in July 1969. Subsequently, the petitioner has been promoted as Deputy Commissioner of Income Tax in the year 1979 and as the Commissioner of Income Tax w.e.f. 30.12.88. In the meantime he was allowed Selection Grade for Deputy Commissioner w.e.f. 1.1.86 and he was also confirmed in the grade of Deputy Commissioner of Income Tax w.e.f. 20.3.79.

3. The petitioner was posted at Indore ~~as~~ Senior Departmental Representative in order to defend cases on behalf of the Department before Income Tax Appellate Tribunal, Indore during the years 1983-84, 1984-85 and 1985-86. By order dated 16.2.88 (Annexure 1 to the petition)

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the Indore Unit of Authorised Representative was declared to be the third best unit in the entire country in order of merit by the Directorate of Inspection and as such, the petitioner became entitled to the grant of reward as per policy, Procedure and orders regarding the subject of grant of reward(Annexure 2 to the petition).

4. The petitioner was however, not given the reward as per his entitlement <sup>and law</sup> he made several representations in that behalf. Lastly, the respondent no.2 informed the petitioner by letter dated 4.11.92 (Annexure C.A-2 to the counter) that the vigilance clearance for reward purposes cannot be granted to the petitioner as disciplinary proceedings have been initiated against him and therefore, payment of reward cannot be made to the petitioner.

5. Being aggrieved by the refusal to grant the reward the petitioner has filed this petition.

6. The learned counsel for the petitioner has submitted that since the declaration of the reward in respect to the financial year 1985-86 in favour of the petitioner on 16.2.88, the petitioner has been promoted from the rank of Deputy Commissioner to the rank of Commissioner of Income Tax. Earlier also the petitioner was allowed Selection Grade for Deputy Commissioner w.e.f. 1.1.86 and was also confirmed in the grade of Deputy Commissioner

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w.e.f. 20.3.87. It is the submission of the learned counsel for the petitioner that with-holding the reward on the ground of refusal of vigilance clearance on account of initiation of some disciplinary proceedings by the respondents dated 4.11.92 cannot come in the way of grant of reward to the petitioner particularly when he was allowed all other benefits of service including promotion as Commissioner of Income Tax.

7. In view of the fact that the petitioner has been promoted as Commissioner of Income Tax subsequent to the declaration of reward in favour of the petitioner, the act of with-holding the payment of reward appears to be unreasonable and arbitrary and as such not sustainable in law.

8. I, therefore, direct the respondents to pay the reward which the petitioner has already earned for his performance during the financial year 1985-86. The payment of reward shall be made within a period of one month from the date of communication of this order.

9. This petition is accordingly allowed as above, with no order as to costs.

*R.K. Varma*  
Vice Chairman

Dated: April 22<sup>nd</sup> 1994

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