

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD**

ALLAHABAD this the 18<sup>th</sup> day of October, 2011.

**HON'BLE MR. SANJEEV KAUSHIK, MEMBER - J.  
HON'BLE MR. SHASHI PRAKASH, MEMBER- A.**

**ORIGINAL APPLICATION NO. 984 OF 2006**

Yugpal Srivastava, aged about 46 years, Son of Late Chotey Lal Srivastava, resident of 117/L/376, Naveen Nagar, Kakdeo, Kanpur Nagar. Presently posted as Tax Assistant in the office of the Commissioner of Income Tax (Computer Operations), Kanpur Nagar.  
...Applicant

**VERSUS**

1. The Union of India through the Secretary, Department of Revenue, Ministry of Finance and Revenue, Govt. of India, New Delhi.
2. The Chairman, Central Board of Direct Taxes, New Delhi.
3. The Chief Commissioner of Income Tax (Cadre Controlling Authority), 16/69, Aaykar Bhawan, Civil Lines, Kanpur Nagar.
4. The Commissioner of Income Tax (Computer Operations), 16/69, Aaykar Bhawan, Civil Lines, Kanpur Nagar.

.....Respondents

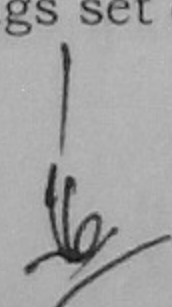
Advocate for applicant : Sri Shyamal Narain  
Advocate for the respondents : Sri Firoz Ahmad

**ORDER**

**BY Hon'ble Mr. Sanjeev Kaushik, J.M..**

By way of this instant OA filed under Section 19 of the A.T. Act, 1985 the applicant seeks following main relief/s: -

"a. That this Tribunal be pleased to issue a suitable order or direction commanding the respondents to permit the applicant to cross the efficiency bar in the pay scale of U.D.C w.e.f. 1.11.1985 and thereafter fix his pay in consonance with the pleadings set out in para 4 of this Original Application;



b. That this Tribunal be pleased to command the Respondents to pass suitable orders re-fixing the pay of the applicant from the very beginning i.e. with effect from the date when he was due to cross the efficiency bar on 1.11.1985, till date and pay him all the arrears of salary and other emoluments alongwith all consequential benefits flowing from such refixation of pay and also command the respondents to pay penal interest on the entire amount due to the applicant;

c. That this Tribunal be pleased to command the respondents to promote the applicant to the post of Tax Assistant retrospectively w.e.f. 25.1.1996, alongwith all consequential benefits to the post of Head Clerk w.e.f. 27.08.1998 alongwith all consequential benefits to the post of Office Superintendent w.e.f. 19.07.2001 alongwith all consequential benefits and to the post of Income Tax Inspector w.e.f. 27.04.2002 alongwith all consequential benefits including proper fixation of pay, seniority etc."

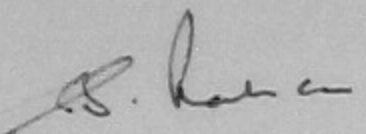
2. Very fairly learned counsel for the applicant submitted that the applicant was charge sheeted and ultimately the Disciplinary Authority passed the order dated 07.07.2010 whereby punishment was inflicted upon him against which the applicant preferred statutory appeal before Appellate Authority, who vide order dated 26.08.2011 has set aside the order of Disciplinary Authority and have recorded its finding in para 12 to 15 of the order. Learned counsel for the applicant submitted that the relief claim in the instant original application have been denied to the applicant only on the ground that the disciplinary proceeding against the applicant was pending. He submitted that once the Appellate Authority has set aside the order of the disciplinary authority, therefore, the applicant is entitled for the reliefs claimed in the instant original application.

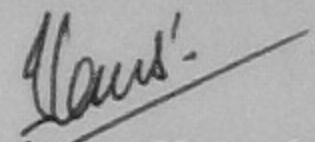
3. We have considered the submissions made by learned counsel for the applicant and have gone through the order dated 26.08.2011 whereby the Appellate Authority has set aside the enquiry proceeding against the applicant, therefore, we deem it appropriate to direct the

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respondents to decide the claim of the applicant, as claimed in present O.A, in view of the order passed by the Appellate Authority and grant all the benefits within a period of six weeks from the date of receipt of certified copy of this order.

4. In view of the above the O.A is allowed. No costs.

  
(Shashi Prakash)  
Member-A

  
(Sanjeev Kaushik)  
Member-J

/Anand/