

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
NEW DELHI

O.A. No. 66 OF 1991  
ExxNo.

DATE OF DECISION 20/3/1991

Shri K.K.Solonki,

Petitioner

Shri B.N.Patel,

Advocate for the Petitioner(s)

Versus

Union of India and others

Respondent

Shri R.P.Bhatt

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M.Singh : Administrative Member

The Hon'ble Mr. S.Santhana Krishnan : Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

O.A./66/91

1. Mr.K.K.Solanki  
Incometax Officer,  
Ward II (4),  
Ayyakar Bhavan,  
Rececourse Circle,  
Baroda.

...Applicant.

(Advocate : Shri B.N.Patel)

Versus

1. Union of India  
notice to be served through  
Secretary to the Govt.of India,  
Ministry of Finance,  
Department of Revenue,  
New Delhi.

2. Central Board of Direct Taxes, through -  
Secretary,  
Central Board of Direct Taxes,  
New Delhi.

3. Chief Commissioner of Incometax,  
Ayyakhar Bhavan,  
Navrangpura,  
Ahmedabad-380 009.

...Respondents.

(Advocate : Shri R.P.Bhatt)

ORAL - ORDER

Date : 20-03-1991

Per : Hon'ble Mr.M.M.Singh : Administrative Member

Heard Mr.B.N.Patel, on admission. In this application the prayer is that the pay of the applicant should be directed to be stepped up as his junior Mr.A.H.Parmar, is drawing higher pay w.e.f. 18.7.1973. It should be obvious that when such is the prayer, two evidences become unavailable. As the first is the evidence to show that the applicant is senior to Mr.A.H.Parmar. The second evidence required is to show that A.H.Parmar is getting higher pay than the applicant. No evidence on these two aspects has been produced with the applicant. On the contrary, our attention is drawn to a representation dated 7.9.1989, made by the applicant to the Chief Commissioner of Income-tax (Adm.) which reply dated 5th December, 1990. This reply is to the effect that in a matter of the judgment

*in*  
matter of the judgment given by this Tribunal, the Department has filed SLP and therefore, the judgment can not be made applicable to any other case till a final decision has been given by the Supreme Court.

2. Irrespective of the merits of this reply, as *evidence* necessary *in support* of this application which ought to have been filed by the applicant not having been filed, this application does not require any further consideration. It is hereby rejected.

*S. Santhana Krishnan*  
(S. Santhana Krishnan)  
Judicial Member

*M. M. Singh*  
(M. M. Singh)  
Administrative Member