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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No. 408 of 1990

Date of decision 16 February 1994.

Alekh Chandra Behera ...

Applicant.

Versus

Union of India and others ...

Respondents.

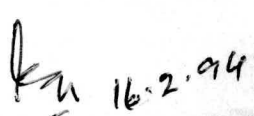
( FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not ? No

2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? No

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

16 FEB 94

  
( K. P. ACHARYA)  
VICE-CHAIRMAN

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Versus

Union of India and others ... Respondents.

For the applicant ... M/s.Devanand Misra,  
Deepak Misra, A.Deo,  
B.S.Tripathy, Advocates.

For the respondents ... Mr.A.K.Ray,  
Standing Counsel (Income-tax)

CORAM:

THE HON'BLE MR.K.P.ACHARYA, VICE-CHAIRMAN

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THE HON'BLE MR.H.RAJENDRA PRASAD, MEMBER (ADMN.)

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ORDER

K.P.ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to direct the respondents to fix the pay of the applicant in the cadre of Assistant Commissioner, and to direct the respondents to pay arrears of pay of the applicant as Income-tax Officer, Class II for the duty period from 1.3.1975 to 4.4.1975 and to direct the respondents to pay the differential amount for the post of Assistant Commissioner from 21.1.1980 till he assumed office as Assistant Commissioner and quash the order in Annexure-1 to the extent of denial of the said benefit and further denying arrears from 21.1.1980

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and to further direct the respondents to pay interest on the arrears of pay covered from the period at the time the applicant was under dismissal till reinstatement and till the arrears are paid.

2. Shortly stated, the case of the applicant is that, at the time of filing of this application he was working as Assistant Commissioner of Income-Tax, posted at Cuttack and he was to retire on superannuation with effect from 30.9.1990. The applicant was promoted to the rank of Asst. Commissioner of Income-tax on 15.3.1990 with retrospective effect from 21.1.1980. The grievance of the applicant is that till <sup>the</sup> date of filing of the application the pay of the applicant was not fixed and the applicant had not received any arrear salary. Punishment imposed on the applicant was quashed in T.A. 308 of 1986 disposed of by this Bench on 7.7.1987 and the Bench had directed the respondents to reinstate the applicant. The applicant has <sup>a</sup> grievance regarding non-payment of several amount due to him including G.P.F. etc.

3. We are told that the applicant has since died and his legal representatives have been substituted vide order passed in M-A. Mo. 90 of 1992 on 28.7.1992.

4. After having heard Mr. B. S. Tripathy, learned counsel for the applicant and Mr. A. K. Ray, learned Standing Counsel (Income-tax) we would direct that a detailed claim petition be filed by the legal representatives of the applicant (Alekha Chandra Behera) before the Commissioner of Income-Tax within one month from  
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today. The Commissioner of Income-tax will enquire into the matter and pass a reasoned order according to law either allowing the claim of the legal representatives or dismissing the same. In case any adverse order is passed against the legal representatives liberty is given to them to approach this Bench.

5. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

.....  
MEMBER (ADMIN)

16 FEB 94

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VICE-CHAIRMAN.

Central Administrative Tribunal  
Cuttack Bench, Cuttack.  
February 16, 1994/Saranghi.Sr.P.A.