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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 469 OF 2013
CUTTACK, THIS THE 23rd DAY OF JULY, 2013

CORAM :

HON'BLE MR. A.K. PATNAIK, MEMBER(JUDL.)
HON'BLE MR. R.C. MISRA, MEMBER(ADMN.)

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Narasingo Behera,
aged about 61 years,
retired Income-tax Officer
at present residing Qr. No.LIG-58, Stage-1,
Housing Board, Neellakantha Nagar,
Berhampur-760002, Odisha.

...Applicant

By the Advocate(s) - M/s- P.C. Sethi, S. Pattnaik,

VERSUS

Union of India represented through

1. Chief Commissioner of Income-tax,
Aayakar Bhawan, Rajaswa Vihar,
Bhubaneswar-751007, Odisha.
2. The Joint Commissioner of Income-tax,
Aayakar Bhawan, Ambapua,
Berhampur-7610010, Odisha.
3. The Asst. Commissioner of Income-tax,
Head of Office,
O/o The Joint Commissioner of Income-tax,
Aayakar Bhawan, Ambapua,
Berhampur-7610010, Odisha.
4. The Asst. Commissioner of Income-tax, (Hqrs.) (Admn.),
Aayakar Bhawan, Rajaswa Vihar,
Bhubaneswar-751007, Odisha.

... Respondents

By the Advocate(s) – Mr. M.K. Das



O R D E R (ORAL)

MR. A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. P.C.Sethi, Ld. Counsel for the applicant, and Mr. M.K.Das, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served.

2. Mr. Sethi, Ld. Counsel for the applicant, submitted that the applicant was working as ITO (Group-B) since 28.02.2008 in the office of Additional CIT, Berhampur Range, Berhampur and after completion of four years of service as ITO (Group-B) in PB 2 in non-functional pay scale, he is entitled to get the benefit of one additional increment plus higher Grade Pay of Rs. 5,400/- as per Rule 13(1) of CCS (RP) Rules, 2008. Mr. Sethi brought to our notice that applicant has already retired since 31.05.2012 as ITO. Claiming the aforesaid benefit, he made representation to the Chief Commissioner of Income Tax, Odisha (Respondent No.1) stating therein that one similarly placed person, viz. R.N.Sethi, was granted the same benefits whereas he has been discriminated from getting such benefit.

3. We find that in response to the representation made by the applicant vide his representation dated 22.03.2013, Deputy Commissioner of Income Tax (Hqrs.)(Admn.) by letter dated 30.03.2013 has rejected the claim of the applicant for grant of additional increment plus higher Grade Pay by stating that the applicant's promotion to the rank of ITO was with effect from 22.10.2010 and as such he has not completed four years of service before his superannuation. We find that points raised by the applicant in his representation dated 22.03.2013 have not been addressed properly in letter dated 30.03.2013 and hence it seems to be a cryptic order. Accordingly, we quash Annexure-A/9 dated 30.03.2013 and remand the

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matter back to the Chief Commissioner, Income Tax (Respondent No.1) to consider the representation and pass reasoned and speaking order within 60 days from the date of receipt of this order.

4. With the aforesaid order and direction, the O.A. stands disposed of at the stage of admission itself.


MEMBER (Admin.)

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MEMBER (Judl.)