

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No.162/2004

Dated Tuesday this the 9th day of March, 2004.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN  
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

K.A.Sandosh Kumar  
S/o Ambujakshan Pillai  
Senior Tax Assistant  
Office of the Commissioner of Income Tax  
Residing at : Kombathil House  
Eloor East  
Udyppamandal  
Ernakulam.

Applicant

(By advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by  
The Secretary to the Government  
Ministry of Finance  
New Delhi.
2. The Chief Commissioner of Income Tax  
C.R.Buildings  
I.S.Press Road  
Kochi.
3. The Secretary  
Central Board of Direct Taxes  
North Block  
New Delhi.

Respondents.

(By advocate Mr.R.Madanan Pillai, ACGSC)

The application having been heard on 9th March, 2004, the Tribunal on the same day delivered the following:


O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant, a Graduate, was appointed on 13.7.89 as a Data Entry Operator in the scale of Rs.1200-2040. He was granted the pay scale of Data Entry Operator Grade B, namely Rs.1350-2200 only with effect from 1994. Finding that he was entitled to be granted the pay scale of Rs.1350-2200 with effect from 13.7.89 as has been held by the different Benches of the Tribunal, the applicant filed OA No.204/01 claiming the benefit. The OA was allowed by order dated 25.10.02 directing the 3rd respondent in

that case to grant the applicant the scale of pay of Rs.1350-2200 as a Graduate DEO Grade B with effect from the date he joined the service. The said judgement was implemented by A-2 order granting the applicant the scale of pay of Rs.1350-2200 w.e.f. 13.7.89. In the meanwhile, some persons who, according to the applicant, were junior to him, were promoted as Office Superintendents in the scale of Rs.5500-9000 by A-4 order in the year 2001. The applicant submitted A6 representation dated 11.2.2003 to consider his promotion on the basis of the decision contained in A-1 judgement. He followed it up with another representation dated 26.9.03 (A-7). These two representation are yet to be considered and disposed of. Therefore the applicant has filed this application for a declaration that the non-feasance on the part of the respondents to grant the applicant the benefit of promotion as Office Superintendent in scale Rs.5500-9000 with effect from the date of promotion of all those who are included in A-4 is arbitrary, discriminatory and unconstitutional and for a direction to the respondents to consider the applicant for promotion as Office Superintendent in scale of Rs.5500-9000 and to grant consequential benefits including arrears of pay and allowances thereof w.e.f. the date of promotion of all those who are included in A-4.

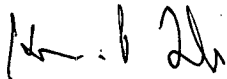
2. When the application came up for hearing, Sri Madanan Pillai, ACGSC took notice on behalf of the respondents. The learned counsel on either side agreed that the application may be disposed of directing the 2nd respondent to consider the A7 representation of the applicant and to give the applicant an appropriate reply within a short time.



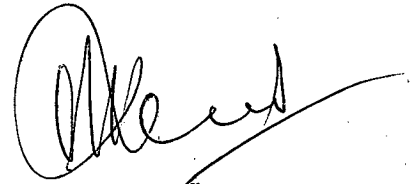
3. In the light of the submissions made by the learned counsel on either side, the application is disposed of directing the second respondent to consider the A7 representation of the applicant and to give the applicant an appropriate reply within a period of six weeks from the date of receipt of the copy of this order.

4. No order as to costs.

Dated 9th March, 2004.



H.P.DAS  
ADMINISTRATIVE MEMBER



A.V.HARIDASAN  
VICE CHAIRMAN

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