

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.184/2001

Friday this the 2nd day of March, 2001

CORAM

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. Thomas Varghese,  
Alunkalthadathil House,  
Punnaveli PO, Pathanamthitta Dist.
2. C.C.Varhgese  
O/o the Jt.CIT Kottayam Circle,  
Public Library Building, Kottayam.
3. B.G.Panicker,  
B.Powvothil House,  
Padiman PO  
Via.Keezhuvaipur,  
Dist.Pathanamthitta.
4. K.G.Baby,  
Nediavilyiel House,  
PO.Chandanapally,  
Dist.Pathanamthitta.
5. T.C.Iype,  
Thottumalil Puthen Parambil House,  
Melpadaom PO  
Alaphey Dist.
6. Daniel John,  
Merry Cottage,  
Kumarapala, Pandalam PO  
Dist.Pathanamthitta.
7. D.John,  
Thengumtharayil House,  
Thottakonam Mudiyoorkonam PO  
Pandamalam  
Dist.Pathanamthitta.
8. George Varghese,  
UD Clerk, Income Tax Office,  
Circle I, Division No.II  
Ernakulam,Cochin.18.

...Applicants

(By Advocate Mr. K. Jaju Babu (rep.)  
V.

1. The Chief Commissioner of Income Tax,  
Ernakulam, Kochi.18.
2. Central Board of Direct Taxes,  
Rep.by its Chairman,  
Ministry of Finance,  
Department of Revenue,  
New Delhi.110 001.
3. Union of India represented by  
Secretary to Govt.  
Ministry of Personnel Public Grievances  
and Pension, Deptt.of Personal & Trg.  
North Block, New Delhi.-110 001.

...Respondents

(By Advocate Mr.George Joseph)

contd...

The application having been heard on 2.3.2001, the Tribunal on the same day delivered the following:

O R D E R

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

The applicants who originally commenced their service under the Dandakaranya Project and Rehabilitation Reclamation Organisation under the Ministry of Rehabilitation were later transferred to the Income Tax Department. They are presently working as Upper Division Clerks. Their grievance is that they are not being granted the Financial Upgradation due to them. Their representations in this regard is hanging fire for the last more than two years. Under these circumstances, the applicants have jointly filed this application for the following reliefs:

- (a) To issue a direction to the respondents 2 and 3 to decide the issue of granting financial upgradation to the applicants equal to the scale of pay of Assistants as claimed in Annexures.A2 to A9 and in Annexure.All to A 18 representations and to issue appropriate orders for disbursement/sanction of financial upgradation without any delay in view of the fact that similar UDCs in the State of Andhra Pradesh have been sanctioned and disbursed upgradation benefits in the year 1999 itself;
- (b) to grant such other reliefs as this Hon'ble Tribunal deems fit, and
- (c) grant the costs of this Original Application.

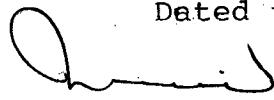
2. In the reply statement filed by the 1st respondent, it has been stated that the question whether the applicants are entitled to the benefit of financial upgradation and if so whether they are to be placed in the scale of Tax Assistant or Assistant is being considered by the second respondent, that the matter has to be referred to the third respondent for a decision and that therefore, it would take some time to take a final decision in the matter.

contd....

3. In the light of the above statement of the Ist respondent, we are of the considered view that the application can now be disposed of with a direction to the respondents to take a final decision in the matter of financial upgradation to the applicants.

4. In the result, the application is disposed of directing the respondents to take a final decision in the matter of financial upgradation to the applicants within a period of three months from the date of receipt of a copy of this order and if the decision is in their favour to make available to them the benefit of financial upgradation within the aforesaid period. No order as to costs.

Dated the 2nd day of March, 2001



T.N.T. NAYAR  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

(s)

List of Annexures referred to in the Order:

1. Annexure A2 True copy of the representation submitted by the 1st petitioner before the 1st respondent dt. 15.3.2000.
2. Annexure A3 True copy of the representation submitted by the 2nd petitioner before the 1st respondent dt. 7.3.2000.
3. Annexure A4 True copy of the representation submitted by the 3rd petitioner dt. 21.3.2000.
4. Annexure A5 True copy of the representation submitted by the 4th petitioner dt. 20.4.2000.
5. Annexure A6 True copy of the representation submitted by the 5th petitioner dt. 24.3.2000.
6. Annexure A7 True copy of the representation submitted by the 6th petitioner on 13.3.2000.
7. Annexure A8 True copy of the representation submitted by the 7th petitioner dt. 3.3.2000.
8. Annexure A9 True copy of the representation submitted by the 8th petitioner dt. 8.3.2000.
9. Annexure A11 True copy of the representation submitted by the 1st applicant before the 2nd respondent dt. 28.11.2000.
10. Annexure A12 True copy of the representation submitted by the 2nd applicant before the 2nd respondent dt. 28.11.2000.
11. Annexure A13 True copy of the representation submitted by the 3rd applicant before the 2nd respondent dt. 29.11.2000.
12. Annexure A14 True copy of the representation submitted by the 4th applicant before the 2nd respondent dt. 29.11.2000.
13. Annexure A15 True copy of the representation submitted by the 5th applicant before the 2nd respondent dt. 29.11.2000.
14. Annexure A16 True copy of the representation submitted by the 6th applicant before the 2nd respondent dt. 29.11.2000.
15. Annexure A17 True copy of the representation submitted by the 7th applicant before the 2nd respondent dt. 29.11.2000.
16. Annexure A18 True copy of the representation submitted by the 8th applicant before the 2nd respondent dt. 5.12.2000.