

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.238/98

Monday this the 16th day of February, 1998.

CORAM

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

K.R.Ramachandran Nair,
Income Tax Officer,
Thiruvalla.

...Applicant

(By Advocate Mr. P. Balakrishnan)

Vs.

1. The Chief Commissioner of Income Tax,
C.R.Building, I.S.Press Road,
Cochin-682018.
2. The Zonal Accounts Officer,
Central Board of Direct Taxes,
San Juan Towners,
Cochin.18.
3. The Union of India, represented by the
Secretary to the Government,
of India, Ministry of Personnel, Public
Grievances and Pensions (Department of
Personnel & Training), North Block,
New Delhi.

...Respondents

(By Advocate Mr. Sunil Jose, ACGSC)

The application having been heard on 16.2.1998, the Tribunal
on the same day delivered the following:

O R D E R

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The pay of the applicant on promotion was fixed giving
him the benefit of option under F.R.22(C) and under the
Central Civil Services (Revised Pay) Rules, 1986. It appears
that more than nine years later an audit objection has been
raised based on a circular issued in 1987, a direction has
been given by the Accounts Wing for refixation of the
applicant's pay to his detriment and to recover the alleged
overpayment. In the audit objection the applicant has been
given an opportunity to make a representation. Pursuant to

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the above clause for making a representation, the applicant made a representation explaining as to how the audit objection is not tenable. He has invited the attention of the authorities concerned of the Government of India Memorandum contained in Swamy's Compilation of CCS (RP) Rules, 1986, an extract of which has been produced as Annexure.A8. This representation has not so far been disposed of nor has the applicant's pay been refixed or alleged overpayment recovered. However, apprehending that on the basis of the audit objection, the applicant's pay is likely to be reduced to his detriment and payment already made to him recovered, the applicant has filed this application for having the audit objection quashed and for a direction to the first respondent not to disturb the pay fixation of the applicant already made on 21.10.1986.

2. When the application came up for hearing, learned counsel on either side stated that it would be appropriate if a direction is given to the third respondent to consider the representation made by the applicant Annexure.A7 in the light of the explanatory note in regard to CCS (RP) Rules, 1986 (Page 210 of Swamy's Compendium of Government of India Orders on 4th Central Pay Commission Report) (A8) and to give the applicant a speaking order within a time to be stipulated by this Tribunal.

3. In the result the application is disposed of with a direction to the third respondent to consider and dispose of the representation of the Applicant (A7) in the light of the explanatory note in regard to CCS (RP) Rules 1986 (A8) and to give the applicant a speaking order within a period of three months from the date of receipt of a copy of this order. There is no order as to costs.

Dated 16th February, 1998.


A.V. HARIDASAN
VICE CHAIRMAN

LIST OF ANNEXURES

1. Annexure A7: Representation dated 31.12.96 from the applicant addressed to the Secretary to the Government of India, Ministry of Personnel and Public Grievance, Department of Personnel and Training, New Delhi.
2. Annexure A8: Page 210 of Swamy's compendium of Government Orders on 4th Central Pay Commission Report-By P. Muthuswamy-CCS (Revised Pay) Rules, 1986.

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