

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. No. 270 OF 2004

Wednesday this the 27th day of September, 2006

CORAM :

**HON'BLE MR.N.RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER**

**Smt.Jayashree Ramachandran
Commissioner of Income Tax (Appeals)
Trivandrum**

Applicant

(By Advocate Mr. P.Balakrishnan)

Versus

**1. Union of India represented by Secretary
Ministry of Finance, Department of Revenue
New Delhi**

**2. The Central Board of Direct Taxes
North Block, New Delhi represented
by its Secretary**

**3. The Chief Commissioner of Income Tax
C.R.Buildings, I.S.Press Road
Cochin - 682018**

Respondents

(By Advocate Mrs. K.Girija, ACGSC)

**The application having been heard on 27.09.2006, the
Tribunal on the same day delivered the following :**

ORDER

HON'BLE MR.N.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

The learned counsel for respondents as produced a copy of the orders of the Hon'ble high Court of Kerala in WP(C) No.22284 of 2003 (S) which was disposed of in Appeal in OA 841/2002 (O.P Nos.3551 & 4579 of 2003) . Both the parties agree that the facts in this case, viz., OA 270/2004 are identical to those which are subject matters of the Original Applications mentioned in the orders of the Hon'ble High Court referred to above. Para 7 of the above order reads as follows:-



" But, at the same time, it is a fact that in exigencies of service, these incumbents had been asked to perform additional duties in additional posts for which they were competent to officiate. It became necessary in the interest of the department to perform the duties statutorily enjoined on the posts to which they were additionally put in charge to function by their zonal head. In such circumstances, it was incumbent on the Head of the Department to take up the matter with the Central Government and to get approval of such action and regularise their charge arrangement, so that they shall not be denied the benefit arising out of such additional duties performed in the exigencies of situation. This is a matter, therefore, for the 3rd petitioner to take up with petitioners 1 and 2 for appropriate orders immediately."

2. In the light of the above mentioned directions of the Hon'ble High Court, the case of the applicant in this OA too may be duly disposed of by the respondents immediately.
3. With this, the Original Application is disposed of accordingly. No order as to costs.

Dated, the 27th September, 2006.


GEORGE PARACKEN
JUDICIAL MEMBER


N.RAMAKRISHNAN
ADMINISTRATIVE MEMBER

VS