

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 298/95

WEDNESDAY, THIS THE 2ND DAY OF JULY, 1997.

C O R A M:

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR. A. M. SIVADAS, JUDICIAL MEMBER

K. Madhavan
Income Tax Officer
Income Tax Office,
Kannur.

..Applicant

By Advocate Mr. K.M. Pandalai

Vs.

1. Union of India represented by the Secretary,
Ministry of Finance,
New Delhi.
2. The Central Board of Direct Taxes
represented by its Secretary,
New Delhi.
3. The Chief Commissioner of Income Tax
Central Revenue Building,
I.S. Press Road,
Ernakulam.
4. The Commissioner of Income Tax
Cochin, Central Revenue Buildings,
I.S. Press Road,
Ernakulam.

..Respondents

By Advocate Mr. T.P.M. Ibrahim Khan, SCGSC

The application having been heard on 2.7.97, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant while working as Stenographer (Special Grade) was promoted as Inspector of Income-tax with effect from 22.8.79 in pursuance of an order of the Tribunal in TAK 617/87. Applicant submits that the post of Income-tax Inspector which carries a lesser scale of pay involves assumption of duties and responsibilities of greater importance and therefore he is entitled to pay fixation under FR 22(C). Applicant submits that this contention is supported

by several decisions of the Tribunal, for example, A2. Applicant is aggrieved that his pay has been fixed under FR 22(a)(ii) treating the posts as equivalent. Applicant has a further grievance that his junior Smt. R. Muthulakshmi is drawing a higher pay than that of the applicant and that his pay is therefore to be stepped up to that of the junior Smt. R. Muthulakshmi.

2. Respondents submit that the question of whether the post of Inspector of Income-tax and Stenographer (Special Grade) are equivalent has been taken up in a Special Leave Petition No. 22880-22885/95 before the Supreme Court and that the Special Leave Petition is still pending. The prayer of the applicant regarding pay fixation can therefore be decided only after the decision of the Supreme Court is rendered in the matter.

3. As regards the prayer regarding stepping up of pay, respondents submit that it can be considered only after a decision is taken on the fixation of pay.

4. The learned counsel for respondents submits that the case of the applicant would be considered by the respondents in the light of the decision of the Supreme Court in the Appeal referred to above.

5. We record the submission and dispose of the application. If the applicant has a grievance after the respondents consider his case, he will be free to approach the appropriate forum for redressal.

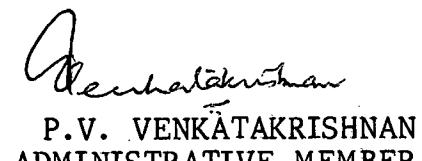
6. Application is disposed of as above. No costs.

Dated the 2nd July, 1997.



A. M. SIVADAS
JUDICIAL MEMBER

KMN



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER