

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 404/04

Dated Monday this the 7th day of June, 2004.

C O R A M

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

P.S.Raghunandan
Income Tax Officer (H)
Office of Director of Income Tax (Inv.)
Kochi.

Applicant

(By advocate Mr.P.Balakrishnan)

Versus

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

2. The Chief Commissioner of Income Tax
CR Building
IS Press Road
Cochin.

3. The Zonal Accounts Officer
Central Board of Direct Taxes
San Juan Towers
Cochin - 682 018.

Respondents

(By advocate Mr.C.Rajendran, SCGSC)

The application having been heard on 7th June, 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 who is presently working as Income Tax Officer was, while working as Tax Assistant, promoted as Inspector and he joined that post on 29.2.1988 and his pay was fixed in that post. However, his junior Smt.R.Kanthy, after being promoted through intermediary post, was also promoted as Inspector w.e.f. 5.2.1993, with the result that she started getting more pay than the applicant. Requesting that the anomaly should be set right, the applicant made Annexure A-4 representation, advertizing to the instructions of the competent authority on the decision of the Tribunal in OA No.1549/98 which

was upheld by the Hon'ble High Court of Kerala in O.P.No.16538/01 in the case of P.K.Prabhakaran, a junior of the applicant. This representation (Annexure A-4) has not been considered and disposed of. Therefore, the applicant has filed this application for a direction to the respondents to refix the pay of the applicant at Rs.2600/- with effect from 5.3.93 and to grant all benefits to the applicant flowing therefrom and to draw and disburse all consequential arrears of pay and allowances.

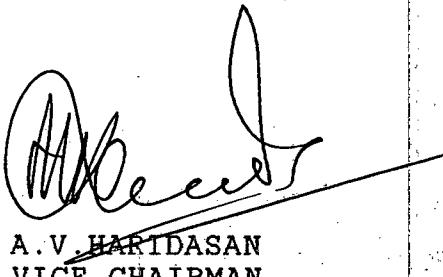
2. When the application came up for hearing, Mr.C.Rajendran, SCGSC, took notice on behalf of the respondents. The learned counsel on either side suggested that the application at this stage may be disposed of directing the second respondent to consider the representation of the applicant (Annexure A-4) in the light of the instructions contained in the Board's letter dated 13.5.92 (Annexure A-3) as also the ruling of the Ernakulam Bench of the Tribunal in OA No.1549/98 in the case of P.K.Prabhakran Vs.Chief Commissioner of Income Tax and others as also the ruling of the Hon'ble High Court of Kerala in O.P.No.16538/01 and to give the applicant an appropriate reply within a reasonable time.

3. In the light of the above submissions by the learned counsel on either side, we dispose of this application directing the second respondent to consider the A-4 representation of the applicant in terms of the instructions contained in A-3 letter and in the light of the rulings (Annexure A-1 & A-2) and to give the applicant a reasoned order within a period of two months from the date of receipt of this order. No order as to costs.

Dated 7th June, 2004.

H.P.DAS
ADMINISTRATIVE MEMBER

aa.


A.V. HARIDASAN
VICE CHAIRMAN