

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Original Application No. 495 of 2011

This the 09th day of January, 2012

Hon'ble Mr. Justice Alok Kumar Singh, Member-J
Hon'ble Mr. S.P. Singh, Member-A

Gautam Kumar Barua, Aged about 45 years, S/o Sri Parimal Kanti Barua, R/o C/o Debu Barua, M-910, Aashiyana, Lucknow. Applicant

By Advocate : Sri Alok Trivedi

Versus.

1. Union of India through the Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi.
2. The Chairman, Central Board of Direct Taxes, Ministry of Finance, Department of Revenue, North Block, New Delhi.
3. The Director of Income Tax (Systems), New Delhi.
4. The Chief Commissioner of Income Tax (CCA), Lucknow.

..... Respondents.

By Advocate : Sri R. Mishra

O R D E R (Oral)

By Justice Alok K Singh, Member-J

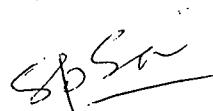
Heard the learned counsel for the parties and perused the material on record.

2. At the outset, it is submitted on behalf of the applicant that similarly situated person namely Sri Rajendra Prasad, S/o late Sri Ram Saran had earlier filed Original Application no. 471 of 2007 before this Tribunal, which was finally disposed of by means of judgment and order dated 26th May, 2008 (Annexure-12) directing the respondents/competent authority to dispose of the pending representation of the applicant in respect of giving relevant pay scale of Rs. 1350-2200/- on the ground that at the time of initial appointment, he was a Graduate. Learned counsel for the applicant submits that that similar order may be passed in this O.A. also. On the last occasion, learned

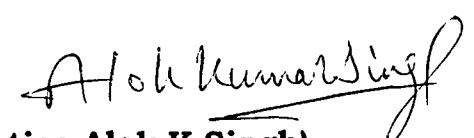


counsel for the respondents had sought time to seek instructions, which was given. It is needless to say that the law on the point is very clear that similarly situated persons should not be treated differently, lest it may infringe the fundamental right as contained in Article 14 of the Constitution of India. Otherwise also, the similarly situated persons should be treated similarly in view of the proposition of law, which has been developed over the years. But we are not inclined to give any finding as to whether or not the applicant is a similarly situated person with that of Sri Rajendra Prasad. We only propose to give similar directions to the respondents to dispose of pending representation of the applicant and to give similar relief in case they reach on the conclusion that the case of the applicant is similar to that of Sri Rajendra Prasad.

3. In view of the above, this O.A. is finally disposed of with a direction to the respondents/competent authority to dispose of pending representation of the applicant covered under Annexure-15 dated 19.6.2009 and pass a reasoned and speaking order as per rules within a period of three months from the date of receipt of a copy of this order. Before parting with this case, we may observe that if the applicant is still aggrieved by such orders, he would be at liberty to file fresh O.A. if so advised. No costs.


(S.P. Singh)
Member-A

Girish/-


Justice Alok K Singh
Member-J