

5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
CIRCUIT SITTING AT NAGPUR.

O.A.NO. 433/91  
~~XXXXXXXXXX~~

199

DATE OF DECISION : 11.07.1994.

Purushottam Rupram Gandhi

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

1. Whether it be referred to the Reporter or not ? *NO*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *NO.*

MEMBER

  
VICE CHAIRMAN

mbm

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6  
PRESCOT ROAD, BOMBAY-1

CAMP: NAGPUR

O.A. No. 433/91

Purushottam Rupram Gandhi ..Applicant

V/s.

Union of India & Ors. ..Respondents

Coram: Hon. Shri Justice M.S. Deshpande, V.C.

APPEARANCE:


Mr. N.A. Deshmukh  
counsel for the applicant

Mr. M.G. Bhangade  
counsel for the respondents

ORAL JUDGMENT: DATED: 11.7.1994  
(Per: M.S. Deshpande, Vice Chairman)

The applicant joined the Income Tax Department as Upper Division Clerk on 6.1.1965 and was posted on 22.6.1971 to the Internal Audit Party wing and continued with it till the date of his promotion as Inspector of Income Tax on 8.1.1976, where he was getting special pay of Rs. 25/- in lieu of separate higher scale and this special pay was subsequently raised to Rs. 35/- p.m. This special pay was not merged upon promotion as Inspector of Income Tax but the difference was treated as Personal Pay as was set out in the applicant's representation dated 9.9.88.

2. The applicant relies on the decision of the Ahmedabad Bench of this Tribunal in T.A. No. 484/86 decided on 29.1.1988 in support of his claim and seeks a direction to the respondents to fix the pay scale of the applicant on promotion by taking into consideration the special pay drawn by him from 22.6.1971 to 7.1.76 and to pay him the



7

arrears on that basis. The representation of the applicant dated 6.9.88 was rejected on 2.2.93 and hence this O.A. was filed.

3. The respondents have filed a written statement challenging the reliefs claimed by the applicant. It is apparent that the very position was considered by a learned Single Member of this Bench in O.A. No. 483/91 decided on 30.7.1993, R.M. BHASKARWAR Vs. UNION OF INDIA & ORS. and it was held that the applicant was entitled to have the special pay taken into account.

4. Respectfully following that decision I direct the respondents to take into account the special pay drawn by the applicant while working as Upper Division Clerk in the Internal Audit Party for the purpose of fixing his pay on promotion to the post of Inspector. He would be entitled to all consequential monetary benefits such as fixation of pay, arrears etc. This be done within four months. No order as to costs.

  
(M.S. Deshpande)  
Vice Chairman