

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 27 JAN 1995

APPLICATION NO: 784 of 1994.

APPLICANTS:- Sri.K.S.Satyanarayana Rao,
V/S.

RESPONDENTS:- The Chief Commissioner of Income Tax,
Karnataka, and another.

To

1. Sri.S.Ganesh Rao, Advocate,
No.399, First Floor, 65th Cross,
Fifth Block, Rajajinagar,
Bangalore-560 010.
2. Sri.M.Vasudeva Rao,
Addl.C.G.S.C.
High Court Bldg,
Bangalore-1.

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.

--xx--

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 18-01-1995.

Issued on
27/01/95

[Signature]

9/c

for

[Signature]
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

ORIGINAL APPLICATION NO. 784/1994

DATED THIS THE EIGHTEENTH DAY OF JANUARY, 1995

Mr. Justice P.K. Shyamsundar, Vice Chairman

Mr. K.S. Satyanarayana Rao
Income Tax Inspector
Income Tax Offices
KOLAR - 563 101

.... Applicant

(By Mr. S. Ganesh Rao, Advocate)

Vs.

1. The Chief Commissioner of Income Tax
Karnataka, Central Revenue Buildings
Queen's Road, Bangalore-560 001.

2. The Secretary
Central Board of Direct Taxes
North Block, New Delhi-110 001.

.... Respondents

(By Mr. M.V. Rao, A.C.G.S.C.)

O R D E R

Heard both sides. The applicant's claim
for stepping up his pay and making it on par with that of
his junior has been rejected with a cryptic note as could
be seen from an endorsement at Annexure-A2 which reads:

" With reference to his representation dated 6.9.1993, requesting for stepping up of his pay to the level of his junior Shri V.K. Gururaj, in the cadre of Income Tax Inspector with effect from 1.1.1993, Shri K.S. Sathyanarayana Rao, Income Tax Inspector, Circle-3, Bangalore, is hereby informed that his request cannot be acceded to since Shri K.S. Sathyanarayana Rao was drawing less pay than his junior Shri V.K. Gururaj even in the lower cadres of Tax Assistant and Head Clerk. The junior got the benefit of stepping up of pay in the cadre of Tax Assistant in pursuance of decision of CAT, Bangalore Bench and this decision of CAT is applicable only to the applicants concerned and it cannot be extended to others."



The applicant's case was resisted on many a ground the chief amongst which is the fact that the compared junior had many more hurdles to cross as compared to the senior and that during the long navigation he picked up one or two increments which resulted in upgradation of his pay. It is stated that the career of the applicant compared to his junior is totally different which justifies the junior drawing more salary than the senior. Therefore, to such a case the principle of equal pay for equal work is not attractive.

2. While I do take notice of the alleged dissimilarity between the case of the applicant and the alleged junior, it seems to me it is appropriate for the department to pass a considerate order in relation to the representation which the applicant has already submitted in this behalf. The order now under attack, Annexure-A2 as mentioned earlier is totally cryptic and absolutely laconic. It mentions no reason except that the earlier dispensation granting more pay to the senior was because of this Tribunal's judgement in another case to which apparently the applicant was not a party. It has to be emphasised that like have to be treated like and the fact that somebody has not gone to a Court while somebody has gone to the Court should not make any difference. Some reasons justifying the non grant of higher emoluments are furnished in the objection statement, but none of them are referred to in the impugned order at Annexure-A2.

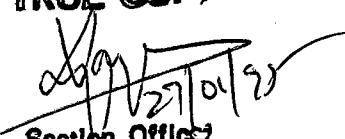
3. I think it appropriate to direct the department to consider the entire case afresh and apply its mind to the issues raised in the light of law and in the light of the decision of this Tribunal to which there is ample reference in the application itself. To facilitate a de novo decision for higher pay, I quash Annexure-A2 with a direction to the department to reconsider the applicant's representation which is at Annexure-A1. If necessary, the applicant may submit another representation within 4 weeks. The authority will pass orders on receipt of the availability of representations if any alongwith the/already pending. No costs.

Sd/-

(P.K.SHYAMSUNDAR)
VICE CHAIRMAN



TRUE COPY


Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 27 JAN 1995

APPLICATION NO: 784 of 1994.

APPLICANTS:- Sri.K.S.Satyanarayana Rao,

V/S.

RESPONDENTS:- The Chief Commissioner of Income Tax,
Karnataka, and another.

To

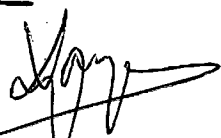
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Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.

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for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

ORIGINAL APPLICATION NO.784/1994

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Mr. Justice P.K. Shyamsundar, Vice Chairman

Mr. K.S. Satyanarayana Rao
Income Tax Inspector
Income Tax Offices
KOLAR - 563 101

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(By Mr. S. Ganesh Rao, Advocate)

Vs.

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2. The Secretary
Central Board of Direct Taxes
North Block, New Delhi-110 001.

.... Respondents

(By Mr. M.V. Rao, A.C.G.S.C.)

O R D E R

Heard both sides. The applicant's claim for stepping up his pay and making it on par with that of his junior has been rejected with a cryptic note as could be seen from an endorsement at Annexure-A2 which reads:

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The applicant's case was resisted on many a ground the chief amongst which is the fact that the compared junior had many more hurdles to cross as compared to the senior and that during the long navigation he picked up one or two increments which resulted in upgradation of his pay. It is stated that the career of the applicant compared to his junior is totally different which justifies the junior drawing more salary than the senior. Therefore, to such a case the principle of equal pay for equal work is not attractive.

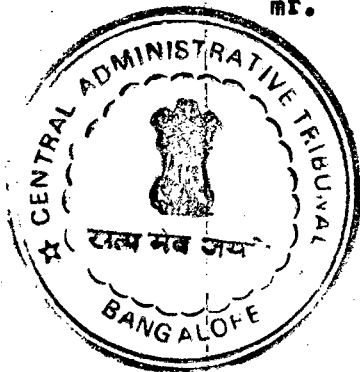
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3. I think it appropriate to direct the department to consider the entire case afresh and apply its mind to the issues raised in the light of law and in the light of the decision of this Tribunal to which there is ample reference in the application itself. To facilitate a de novo decision for higher pay, I quash Annexure-A2 with a direction to the department to reconsider the applicant's representation which is at Annexure-A1. If necessary, the applicant may submit another representation within 4 weeks. The authority will pass orders on receipt of the availability of representation if any alongwith the/already pending. No costs.

Sd/-

(P.K.SHYAMSUNDAR)
VICE CHAIRMAN

mr.



TRUE COPY

[Signature]
27/10/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 030.

Dated: 15 MAR 1995

APPLICATION NO. 784 of 1994.

APPLICANTS: Sri.K.S.Satyanarayana Rao,
V/S.

RESPONDENTS: The Chief Commissioner of Income Tax,
Karnataka and another.

To

1. Sri.S.Ganesh Rao, Advocate,
No.399, 1st Floor, 65th Cross,
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Bangalore-560 010.
2. Sri.M.Vasudeva Rao,
Additional Central Govt.Stng.Counsel,
High Court Bldg, Bangalore-560 001.
3. Sri.M.S.Padmarajaiah, Senior Central
Govt.Stng.Counsel, High Court Bldg,
Bangalore-560 001.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

---xxx---

Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 18-01-1995 and 17-02-1995. Corrigendum
in pursuance thereof is enclosed. Corrected copy of the Order in
O.A.No.784 of 1994 dated 18-01-1995 is also enclosed.

Issued on
15/3/95

[Signature]

[Signature]

[Signature]

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

II Floor,
Commercial Complex(BDA),
Indiranagar,
Bangalore - 38.

Dated 10th March, 1995

File of O.A.784/94

C O R R I G E N D U M

The Honourable Tribunal on M.A. for
correction dated 13.02.'95 filed in O.A.784/94 by
Shri M.S.Padmarajaiah, Senior Central Government
Standing Counsel has ordered on 17.02.'95 that the
following correction be made in the Tribunal's
order dated 18th January, '95 in O.A.No.784/94; -

For the words (by Mr.M.V.Rao, ACGSC)
appearing in Cause Title of the order dated 18.01.'95
in Page - 1, (by Shri M.S.Padmarajaiah, Sr.CGSC)
be substituted.

Corrigendum is hereby issued accordingly.

By Order of the Bench

Sd/-

(N.RAMAMURTHY)
DEPUTY REGISTRAR (J).

Corrected copy of the order
dated 18.01.'95 in O.A.784/94 is
attached.

Sd/-

(N.RAMAMURTHY)
DEPUTY REGISTRAR (J).

TRUE COPY

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore



K.S. Patyasarayana Rao & Chief Commissioner of Income Tax, Bangalore

Date

Office Notes

Orders of Tribunal

PKS(VC)/TVR(MA)

17.2.95

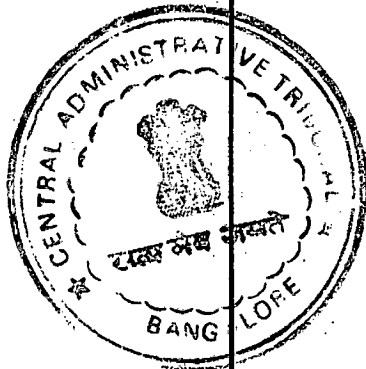
Show the name of Shri M.S. Padmanajiah as appearing for the respondents in the order disposed of on 18.1.1995 in place of Shri M.V. Rao who is wrongly shown and issue necessary corrigendum to this effect.

Sd/-

M(A)

Sd/-

V.C.



TRUE COPY

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

ORIGINAL APPLICATION NO. 784/1994

DATED THIS THE EIGHTEENTH DAY OF JANUARY, 1995

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2. The Secretary
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.... Respondents

(By Mr. M.V. Rao, A.C.G.S.C.)*

* Correction

Substituted- (By
Shri M.S. Padmarajaiah,
Sr.C.G.S.C.)-for words
(By Mr.M.V.Rao, ACGSC),
as per order of the
Bench dt.17.2.95
on M.A. for correc-
-tion filed on
13.2.95 by Shri
M.S. Padmarajaiah,
Sr.CGSC in O.A.
784/94.

(N. RAMAMURTHY)
D.R.(J)

O R D E R

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sd-

(P.K.SHYAMSUNDAR)
VICE CHAIRMAN



MT.

TRUE COPY

[Signature]
15/3/95
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