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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.966/89

Date of Order: 29th Oct 1991

Between:

R. Jayarama Sarma .. Applicant

And

1. The Secretary,  
Central Board of Direct Taxes,  
Ministry of Finance,  
North Block, NEW DELHI.
2. The Chief Commissioner of Income-tax,  
Andhra Pradesh,  
Aayakar Bhawan, Basheer Bagh,  
HYDERABAD.
3. The Commissioner of Income-tax,  
Andhra Pradesh-I,  
8th Floor, Aayakar Bhawan,  
Basheer Bagh, HYDERABAD.
4. The Director of Income-tax,  
(Investigation),  
9th Floor, Aayakar Bhavan,  
Basheer Bagh, HYDERABAD.
5. The Zonal Accounts Officer,  
Central Board of Direct Taxes,  
3rd Floor, Aayakar Bhawan,  
Basheer Bagh, HYDERABAD. .... *Respondents*

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Counsel for the Applicant : Mr. Duba Mohan Rao

Counsel for the Respondents : Mr. N.R.Devraj, Addl.CGSC

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CORAM:

Hon'ble Shri R.Balasubramanian : Member (A)

Hon'ble Shri T. Chandra Sekhar Reddy : Member (J)

X Order of the Bench delivered by Hon'ble Shri

T.Chandra Sekhar Reddy : Member (J) X.

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1. This is an application filed under section 19 of Administrative Tribunals Act by the applicant herein who is presently working as Income-tax Officer, Indira Nagar, Nirmal for redressal of his grievance with regard to his pay fixation.

2. The First Respondents in this O.A. is The Secretary, Central Board of Direct Taxes, Ministry of Finance, New Delhi; Second Respondent is The Chief Commissioner of Income-tax, Andhra Pradesh; Third Respondent is The Commissioner of Income-tax, Andhra Pradesh, Fourth Respondent is Director of Income-tax, Hyderabad and Fifth Respondent is Zonal Accounts Officer, Hyderabad.

3. Facts giving rise to this application in brief are as follows.

4. The applicant herein was previously an Inspector in the Income-tax Department in the Andhra Pradesh charge. According to the applicant there was an anomaly with regard to his pay fixation. So the applicant made a representation dated 28-8-85 to the First respondent and also to the Third respondent to fix his pay on par with that of his immediate junior Shri Satyanarayana Rao. The First respondent passed an order dated 26-2-86 directing to step up the applicant's pay to Rs.700/- with effect from 7-6-1980 on par with his junior Shri K.Satyanarayana. So according to the applicant his pay was fixed in accordance with the rules and regulations and the said anomaly was set right.

5. The Fifth respondent while considering the representation regarding the pay anomaly in respect of Shri C.V.Rama Sastry, Inspector, with that of the applicant, opined that earlier fixation of pay allowed to the applicant was erroneous and so addressed the Commissioner of Income-tax on 22-7-87 to treat the earlier fixation of pay of the applicant by stepping up the pay of the applicant had to be restored to the normal stage for which he was entitled, had it not been stepped up. The Fifth respondent informed Third respondent to recover the excess pay and allowance paid to the applicant and credit to the Government account. So the applicant seems to have submitted a representation dated 5-8-87 to Third respondent in continuation of his representation dated 22-7-87 bringing to the notice of Third respondent as to how he was entitled for the stepping up of pay and requested to uphold the orders dated 26-2-86 stepping up the applicants pay. But according to the applicant the Third respondent without either referring the matter to the <sup>other</sup> respondents or giving any notice to the applicant calling for his objections withdrew the benefit conferred on him and passed an order dated 21-9-87 cancelling the proceedings stepping up of the pay of the applicant that was ordered earlier.

6. The applicant also made a representation to the First respondent on 22-3-89 bringing to his notice the matter of his pay anomaly and requested the First respondent to redress his grievance at an early date. But the First respondent by his letter dated 31-3-89/5-4-89 addressed the Second respondent that there is no case for stepping up

of pay of the applicant since there is no anomaly. The said order dated 31-3-89/5-4-89 as a matter of fact had been passed by the First respondent confirming the earlier order of the Third respondent dated 21-9-87 to which a reference is made earlier. So the present application is filed by the applicant to declare that the order dated 31-3-89/5-4-89 of the First respondent confirming the order dated 21-9-87 of the Third respondent is illegal, arbitrary and violative of the principles of natural justice and for certain other reliefs.

7. The respondents have filed their counter opposing the said application.

8. One of the grievance of the applicant in this case is that the original order dated 22-7-87 passed by the Fifth respondent - cancelling the order stepping of his pay without show cause notice to the applicant - violating the principles of natural justice. It is also the case of the applicant that certain benefit had been conferred on him by stepping up his pay and as the same had been withdrawn without notice to him - the impugned order cannot be legally sustained. From para 3 of the reply of the respondents it is seen that the original order cancelling the stepping up of the pay of the applicant had been passed without giving an opportunity to the applicant to represent his case. So as the said order had been passed without hearing the applicant and without giving an opportunity.

*to the applicant*  
*to represent his case we have no hesitation*  
*to set aside the impugned order in question, and we accordingly*

set aside the same.

9. Hence we direct the respondents to fix the pay of the applicant in accordance with Law after receiving written representation from the Applicant with regard to his pay fixation. The Applicant shall submit his written representation for pay fixation within one month to the competent authority from the date of the receipt of a copy of this order. The competent authority shall decide the representation of the applicant within three months from the date of the receipt of the same. If the applicant continues to be aggrieved after the said fixation of pay by the respondents, he would be at liberty to approach the Tribunal once again for redressal of his grievance. Stay order dated 18-12-89 with regard to the recovery of from alleged excess amount ~~the~~ the applicant shall be in force till the end of March, 1992. We allow the application accordingly. In the circumstances of the case the parties shall bear their own costs.

*R.Balasubramanian*  
(R.BALASUBRAMANIAN)  
Member (A)

*T.Chandrasekhar*  
(T.CHANDRA SEKHAR REDDY)  
Member (J)

Dated 29 October, 1991.

*Deputy Registrar (J)*

To

1. The Secretary, Central Board of Directo Taxes, Ministry of Finance, North Block, New Delhi.
2. The Chief Commissioner of Income-tax, A.P. Aayakar Bhawan, Basheer Bagh, Hyderabad.
3. The Commissioner of Income-tax, Andhra Pradesh-I, 8th Floor, Aayakar Bhawan, Basheer Bagh, Hyderabad.
4. The Director of Incoem-tax, (investigation) 9th Floor, Aayakar Bhawan, Basheer Bagh, Hyderabad.
5. The Zonal Accounts Officer, Central Board of Directo Taxes, 3rd Floor, Aayakar Bhawan, Basheer Bagh, Hyderabad.
6. One copy to Mr. DubaMohan Rao, Advocate, CAT.Hyd. Bench, Hyderabad.
7. One copy to Mr. N.R. Devraj, Addl.CGSC.CAT.Hyd.
8. One spare copy.

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CHECKED BY APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

V.C

AND

THE HON'BLE MR.

M(J)

AND

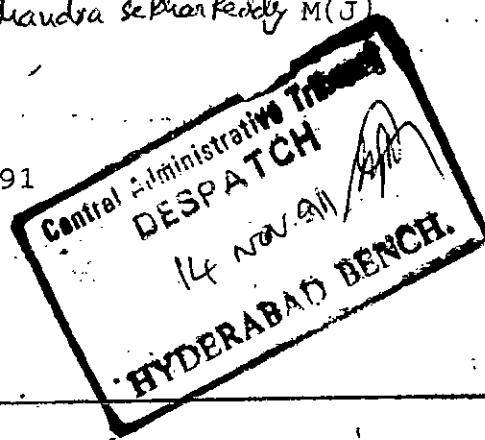
THE HON'BLE MR. R. BALASURRAMANTAN M(A)

AND

THE HON'BLE MR. T. Chandra Sekhar Reddy M(J)

DATED: 29-10-1991

ORDER/JUDGMENT:



M.A./R.A./C.A. No.

in

O.A. No. 966 / 89

T.A. No.

(W.P. No.)

Admitted and Interim directions  
Issued.

Allowd.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

M.A. Ordered/Rejected

No order as to costs.

pvm