

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD.

O.A. NO. 312/1991

Dated of decision: 23-12-1991.

Between

V.V.S.Suryanarayana Sarma

... Applicant

A n d

1. The Chief Commissioner of Income Tax, Andhra Pradesh, Hyderabad.
2. The Central Board of Direct Taxes, rep. by its Secretary, Dept. of Revenue, Min. of Finance, New Delhi.

... Respondents

Appearance:

For the applicant : Shri Duba Mohan Rao, Advocate

For the Respondents : Shri ^{M. J. Ramana Mohan Rao} W.V.Ramana, Addl. CGSC

CORAM:

The Hon'ble Shri R. Balasubramanian, Member (Admn.)

The Hon'ble Shri C.J. Roy, Member (Judicial)

J U D G M E N T

(of the Bench delivered by Shri R. Balasubramanian, Member (A)).

In this application filed by Shri V.V.S.Suryanarayana Sarma under Section 19 of the Administrative Tribunals Act, 1985 against the Chief Commissioner of Income Tax and another, the applicant prays for a direction that his pay on promotion from Supervisor Gr. I to Inspector of Income-Tax be fixed by applying F.R. 22-C.

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Corrected as the number of the Tribunal dt 23.12.91

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2. The applicant was promoted from the post of Supervisor Grade-I as Inspector of Income-Tax in March 1988. On promotion his pay was fixed applying FR-22(a)(ii) treating the post of Inspector as equivalent to Supervisor Grade-I. The applicant represented against this on 6-9-1988 to the 1st Respondent. The respondent stuck to his stand that only Rule FR-22(a)-(ii) was applicable and not FR 22(C) and accordingly informed the applicant by the 1st Respondent vide his letter dt.21-8-1990. The Respondent No.1 seems to have based his stand on the circular No.A-26017/19/-85.Ad.IX dated 3-5-1985 issued by the Central Board of Direct Taxes (CBDT). Hence this application.

3. No counter affidavit has been filed by the Respondents in this case.

4. Shri Duba Mohan Rao, counsel for the applicant and Shri ^{m. Jagan Mohan Rao} N.V.Ramana, Addl.CGSC for the Respondents argued the case. The learned counsel for the applicant Shri Duba Mohan Rao drew our attention to the judgment of this Tribunal dt. 29-11-88 in O.A. 294/87 which was in favour of a similarly placed official while Shri N.V.Ramana for the Respondents, stressed that in view of the CBDT clarification that Supervisor Gr.I post is equivalent to Inspector, only FR.22(a)(ii) is applicable in this case. We have seen the judgment dated 29-11-88 of this Bench in O.A. 294-A of 1987.

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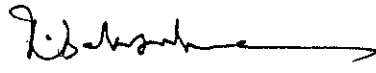
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 23-1-92.


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This Bench clearly held that promotion from the post of Supervisor Gr.I to Inspector involved assumption of higher responsibilities and hence Rule FR 22(C) is applicable for fixation of pay on promotion. Following that judgment, we hold that the applicant is entitled to application of Rule FR 22(C) for Pay fixation. We accordingly allow the application with no order as to costs.

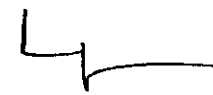
4. Before we part with the case, we cannot help disapproving the attitude of the Respondents in not applying the decision of this Tribunal ^{to all similarly placed persons} in a graceful way without driving more and more officials to seek legal redressal.


 (R. Balasubramanian)
 Member(A)


 (C. J. Roy)
 Member(J)

Dated: 23rd day of December, 1991.

mhb/


 Dy. Registrar (Judl.)

30/12/91

Copy to:-

1. The Chief Commissioner of Income Tax, A.P., Hyderabad.
2. Secretary, Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, New Delhi.
3. One copy to Shri. Duba Mohan Rao, 69/3RT, V.N.Colony, Hyd.
4. One copy to Shri. N.V.Ramana, Addl.CGSC.CAT, Hyd.
5. One spare copy.

Rsm/-

