

Central Administrative Tribunal
HYDERABAD BENCH : AT HYDERABAD

O.A. No. 315/91
~~T.A. No.~~

Date of Decision : 23-12-91

<u>E. Srinivasachandrasekhar</u>	Petitioner.
	Advocate for the petitioner (s)
Versus	
	Respondent.
	Advocate for the Respondent (s)

CORAM :

THE HON'BLE MR. R. Balakrishna Murthy Member (1)

THE HON'BLE MR. J.C. Ray Member (2)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

(H.S.R.)

(H.S.R.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD.

O.A. NO. 315/1991

Dated of decision: 23-12-1991.

Between

E. Sriramachandra Murthy

... 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 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 E. Sriramachandra Murthy under Section 19 of the Administrative Tribunals Act, 1985 against the Chief Commissioner of Income-Tax and three others, 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.

...2.

Corrected for the
order of the Tribunal
Ct 23152-
28-12-91

7.3

The applicant was promoted from the post of Supervisor Grade-I as Inspector of Income-Tax on 16-7-1982. As Supervisor Gr.I he was drawing a pay of Rs.730/- p.m. On promotion his pay was fixed at Rs.775/- p.m. applying the rule FR-22(C). Later, however, by his proceedings dated 3-8-1982, the 2nd Respondent revised the pay applying FR-22(a)(ii) treating the post of Inspector as equivalent to Supervisor Gr.I. Not only did he revise the pay as on 16-7-1982 but the excess payments made during 16-7-82 to 31-3-83 were recovered. He based his decision on the Circular F.No.A-26017/144-/82-Ad.IX dt.22-7-82 issued by the Central Board of Direct Taxes (CBDT). The applicant represented against this on 10-8-82 and 17-3-89. The respondents stuck to their 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. Hence this application.

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

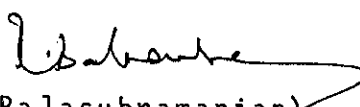
3. Shri Duba Mohan Rao, counsel for the applicant and Shri ~~M. S. Ramana~~ ^{N.V. Ramana} Addl.CGSC for the Respondents argued the case. The learned counsel for the applicant Shri Duba Mohan Rao drew our attention to the judgment of this Tribunal dt. 29-11-88 in O.A. 294/87 which was in favour of a 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.

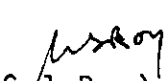
Considered as per the order of the Tribunal dt. 28-1-92. *[Signature]* 28-1-92

13

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.

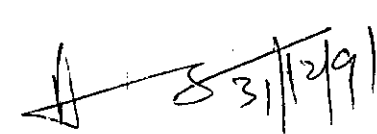
4. Before we part with the case, we cannot help disapproving the attitude of the Respondents in not applying the decision of this Tribunal ^{to all similarly placed persons} in a graceful way without driving more and more officials to seek legal redressal.


(R. Balasubramanian)
Member(A)


(C. J. Roy)
Member(J)

Dated: ~~23rd~~ day of December, 1991.

mhb/


Dy.Registrar(Judl.)

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, H.No.69/3RT, V.N.Colony, Hy
4. One copy to Shri. N.V.Ramana, Addl.CGSC.AT, Hyd-bad.
5. One spare copy.

Rsm/-

O.A. 315791

RM
30/12/91

(3)

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

S.V.C

AND

THE HON'BLE MR.

M(J)

AND

THE HON'BLE MR. R. RAJASHEERAMANTAN: M(A)

AND

THE HON'BLE MR. C. J. Roy

M(J) ✓

DATED: 23/12-1991 ✓

ORDER/ JUDGMENT: ✓

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

O.A.No.

in
315791 ✓

T.A.No.

(W.P.No.)

~~Admitted and Interim directions~~
Issued.

~~Allowed.~~

~~Disposed of with direction.~~

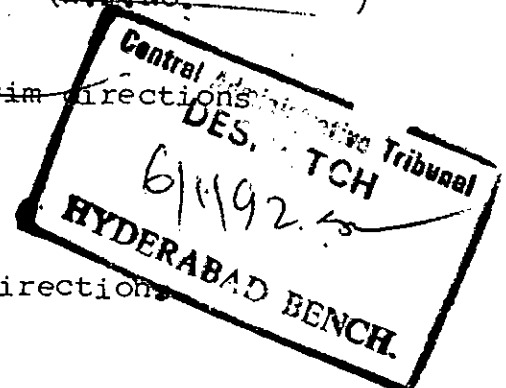
~~Dismissed.~~

~~Dismissed as withdrawn.~~

~~Dismissed for Default.~~

~~M.A.Ordered/Rejected~~

~~No order as to costs.~~



pvm

23/12/91
J. 200