

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.356 of 1996.

Between

Dated: 18.3.1996.

Mr. Santosh kumar

...

Applicant

And

1. Sr. Authorised representative, A-Bench, Income Tax Appellate Tribunal, Shapurwadi, Adarshnagar, Hyderabad.
2. Chief Commissioner of Income Tax, Andhra Pradesh, Ayakar Bhavan, Hyderabad.

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Respondents

Counsel for the Applicant

: Sri. G.V.R.S.Vara prasad

Counsel for the Respondents

: Sri. N.R.Devaraj, Sr. CGSC.

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:....2/-

O.A.356/96.

Dt. of Decision : 18-03-96.

ORDER

I As per Hon'ble Shri R. Rangarajan, Member (Admn.) I

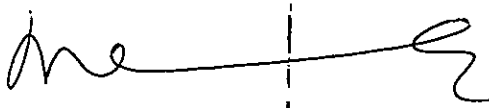
The applicant in this OA is an LDC working in that capacity from 16-11-77. It is stated that initially R-1 granted him increments till 01-01-89. However that was Withdrawn by R-1 and issued a modified order dated 08-02-90 Admn. No.2/89-90 (Annexure-C) granting him increment only up to the period from 01-11-80 to 01-01-86. When the respondents have not chosen to pass an order granting the EB to the applicant to cross the pay stage of 1,150/- from 01-01-87 the applicant is reported to have made several representations. The applicant then made a representation dt. 30-10-95 to R-2 bringing to his notice the non-sanction of the EB to him w.e.f., 01-11-86 and not granting of annual increment thereafter. In reply to that representation R-1 issued memo No.Con.CCS/Admn.No.1/95-96 dated 04-01-96 informing the applicant that the claim for granting annual increment w.e.f., 01-11-86 (the EB stage) has been fully considered and rejected. However, it is stated that a decision will be taken soon after finalisation of proceedings pending against him.

2. The applicant was placed under suspension w.e.f., 31st July 1991 and he is still under suspension. The issue of the letter dt. 04-01-96 is probably due to the pending finalisation of the suspension proceedings and further action taken thereon.

3. It is stated for the applicant that on 1-11-86 the applicant was not under suspension and there was no chargesheet also pending against him on that day. Hence, he submitted that there is no rule or law to prohibit sanction of the EB if he qualifies for the same for getting the increment as on 1-11-86. The representation dated 30-10-95 was disposed of by R-1 by the impugned memo dated 4-1-96 without any basis. Hence, it is essential for R-2 to reconsider the issue and pass a speaking order why the applicant was not allowed to cross the EB stage if he is found fit to cross the EB stage and also indicating the reason why the present pending proceedings should ~~be~~ debar him for crossing the EB stage when there was no disciplinary proceeding at the time when he was to cross EB in the year 1986.

4. In the result, R-2 should dispose of the representation of the applicant in accordance with rule within a period of two months from the date of receipt of a copy of this order keeping in mind my observation as above in para-3 supra.

5. The OA is ordered accordingly at the admission stage itself. No costs.


(R. Rangarajan)
Member (Admn.)

Dated : The 18th March 1996.
(Dictated in Open Court)

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25.3.96
Dra.

Copy to:-

1. Sr. Authorised Representative, A-Bench, Income Tax, Appellate Tribunal, Shapurwadi, Adarshnagar, Hyderabad.
2. Chief Commissioner of Incometax, Andhra Pradesh, Ayakar Bhavan, Hyderabad.
3. One copy to Sri. G.V.R.S.Vara Prasad, advocate, CAT, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

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COMPARED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

R. Rangababu
HON'BLE SHRI ~~A. S. GORTHY~~: MEMBER(A)

~~HON'BLE SHRI~~

DATED:

18/3/96

ORDER/JUDGMENT

M.A. NO. / R.A. / C.A. NO.

IN

G.A. NO.

356/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

* * *

No spare copy

