

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 31.03.2015

OA No. 291/00066/2015

Mr. Amit Mathur, counsel for applicant.
Mr. Gaurav Jain, counsel for respondents.

The present Original Application is filed by the applicant seeking a direction to the respondents to pay two advance increments to the applicant for qualifying the departmental examination for promotion to the post of Inspector with arrears.

2. The matter was taken up today for admission. Learned counsels for both the sides brought notice of this Tribunal upon the order dated 31.10.2014 (Annexure A/2) passed by this Bench of the Tribunal in OA No. 291/00036/2014 – Brij Mohan Pandey vs. U.O.I. & Ors. and other connected similar matters. They have stated that the order dated 31.10.2014 (Annexure A/2) passed by this Bench of the Tribunal in the case of Brij Mohan Pandey vs. U.O.I. & Ors. and other connected similar matters (supra) is similar on facts of the present Original Application and as such this Original Application can also be disposed of in the light of the directions given in the said order dated 31.10.2014. The

relevant para 9 of order of the Tribunal dated 31.10.2014

reads as follows: -

"9. In my opinion the respondents are bound by law on equity and they cannot make discrimination between two similarly situated persons. Thus in view of the settled position of law, the applicants in the present OAs are entitled to two advance increments from the date of passing the departmental examination of Inspector, Income Tax / ITO. It is also made clear that if any recovery has been made from any of the applicants on this account then it would be refunded to those applicants. The respondents are directed to take action accordingly.

3. In the light of the order passed by this Bench of the Tribunal in similar matters, I am inclined to extend the same relief as granted by this Bench of the Tribunal in the case of Brij Mohan Pandey vs. UOI & Ors. and other connected similar matters (supra).

4. Therefore, it is declared that the applicant in the present Original Application is entitled for two advance increments from the date of passing the departmental examination of the Inspector. The respondents are directed to take action accordingly. The respondents shall complete this exercise within a period of three months from the date of receipt of a copy of this order.

5. The present Original Application is disposed of accordingly. There shall be no order as to costs.


(JUSTICE HARUN-UL-RASHID)
JUDICIAL MEMBER