

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 567 of 2003

Jabalpur, this the 4th day of August, 2004

Hon'ble Mr. Sarweshwar Jha, Administrative Member
Hon'ble Mr. Madan Mohan, Judicial Member

1. B. Yasodharan,
S/o Late V. Bhaskaran, aged 47 years,
R/o 13, Gurudev Colony, Bedi Nagar,
Jabalpur.
2. Shri S. Srinivas, S/o late Shiva Guru,
aged 53 years, R/o B-II/1, Katanga Colony,
Jabalpur.
3. S.D. Dhruve S/o Dhruve, aged 55
years, R/s 68, Sanjeevani Nagar,
Jabalpur.
4. Michel Kerketta, S/o OP Kerketta,
aged 54 years, R/o Shyam Nagar, BT
Road, Garha, Jabalpur.

APPLICANTS

(By Advocate - Shri S.K.Nagpal)

VERSUS

1. Union of India,
Through: Secretary, Ministry of
Finance, Government of India,
New Delhi.
2. Central Board of Direct Taxes,
Department of Revenue, Ministry of
Finance, North Block, New Delhi.

RESPONDENTS

(By Advocate - Shri Pankaj Dubey on behalf of Shri B.da.Silva)

ORDER (ORAL)

By Sarweshwar Jha, Administrative Member -

The learned counsel for the respondents at the very
out set has submitted that the reliefs prayed for by the
applicants have already been granted by the respondents vide
letter of the Ministry of Finance, Department of Revenue,
Central Board of Direct Taxes dated April 22, 2004 and,
therefore, according to him, the Original Application has
become infructuous.

2. It is further observed that the applicants have filed
rejoinder on 6.5.2004 admitting that the upgradation in the
scale of pay in respect of the Inspectors of the Income-tax,
as ~~as~~ prayed for in the OA, has been allowed w.e.f. April 21,
2004 whereas the same should have been made effective from



1.1.1996 at par with Inspectors of CBI/IB with all consequential benefits. The learned counsel for the respondents has, however, submitted that the date of effect was not specifically the subject matter of the reliefs as prayed for by the applicants. If they have still grievance with regard to the date of effect of the orders, it would ^{be} construed to be a separate cause of action and which, according to the learned counsel for the respondents, could be agitated by the applicants by filing a separate OA.

3. The learned counsel for the applicants, appearing later, has, however, submitted that the respondents have not given the applicants the benefits as given to the CBI Inspectors in the sense that the benefit of revision of ~~has been~~ scale of pay given to the CBI Inspectors in consequence of the recommendations of the 5th CPC from an earlier date with consequential benefits. The said benefits have been given to the applicants w.e.f. 21.4.2004 only. He has accordingly prayed that the applicants also may be given the revised scale of pay from the same date as has been given to the CBI Inspectors.

4. We have perused the OA and the facts submitted therein; the reply as has been filed by the respondents, the rejoinder filed by the applicants to the reply of the respondents; and, particularly, the orders issued by the Ministry of Finance (Annexure-A-15). We find that the substantial reliefs, which the applicants have prayed for, relating to revision of pay and the consequential benefits have been granted to the applicants. We do observe that the respondents have revised the pay scale of the applicants (Income-tax Inspectors) from the existing scale of pay of Rs.5500-9000 to Rs.6500-10500 w.e.f. April 21, 2004 and have also directed ^{that} the fixation would be regulated under FR 23 and FR 22(1)(a)(2). We are convinced that the respondents have thus substantially granted the reliefs prayed for by the applicants.



5. Having regard to the above and after having heard the learned counsel for both the sides, we dispose of this Original Application as having become infructuous in view of the above. The applicants shall, however, have the liberty to proceed in the matter as per law if so advised.

Q
(Madan Mohan)
Judicial Member

Sarweshwar Jha
(Sarweshwar Jha)
Administrative Member.

rkv.

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....
पत्रिलिपि अव्योधित:-

(1) समिति, उच्च न्यायालय द्वारा एसोसिएशन, जबलपुर
(2) अलोकन श्री/श्रीमती/कु.के काउंसल
(3) प्रदीपी श्री/श्रीमती/कु.के काउंसल
(4) विधायक, केप्र.ज., जबलपुर व्यावायीठ

सूचना एवं आवश्यक कार्यकारी देख

SK Nagpal
B. Danlone
16-8-04
उम रजिस्ट्रर

*Issued
on 16-8-04
by*