

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
JABALPUR

O.A.No.121/2001

Hon'ble Sh. M.P.Singh, Vice Chairman
Hon'ble Sh. G. Shanthappa, Judicial Member

Jabalpur, this the 20th day of November, 2003

Laxmi Kant Sharma
s/o Late R.P.Sharma
Income Tax Inspector
O/o the Commissioner of Income Tax
Aayakar Bhawan
Hoshangabad Road
Bhopal (MP). ... Applicant

(By Advocate: Sh. B.S.Thakur)

versus

1. Union of India through
the Secretary
Ministry of Finance
North Block
New Delhi.
2. The Commissioner of Income Tax
Aayakar Bhawan
Hoshangabad Road
Bhopal, M.P.
3. The Zonal Accounts Officer
Central Board of Director Taxes
Maharana Pratap Nagar
Bhopal, M.P. .. Respondents

(By Advocate: Shri B. Dasilva through Sh. Anand Singh)

O R D E R (Oral)

By Sh. G. Shanthappa, Judicial Member:

The applicant has filed the above application seeking a direction to quash the impugned orders dated 15.1.2001 (Annexure A/1) and dated 30.1.2001 (Annexure A/9). He has also sought a direction to fix the pension on the basis of revised pay scale and basic pay drawn on the date of retirement, i.e., Rs.8,825/- and accordingly to pay pension on regular basis; to compute the gratuity

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and
1/4 leave encashment as per the revised basic pay drawn on the date of retirement, i.e., Rs.8,825/- in the pay scale of Rs.5500-9000.

2. The case of the applicant is that he was appointed as UDC in the pay scale of Rs.130-5-30 in the year 1964. He was joined on 6.4.1964. Subsequently, he was sent for training for two months. He worked in various capacities till July, 1975. He was promoted as Head Clerk in the pay scale of Rs.425-700 in the year 1975. He passed the Departmental Examination of Inspector in June, 1981 and was granted 2 advance increments of Rs.15/- each vide letter dated 28.8.1983. subsequently, the applicant was promoted as Supervisor in the pay scale of Rs.530-700 on 13.9.1982. In view of the ^{4th} Central Pay Commission, his pay was revised w.e.f. 1.1.1986 in the Supervisor's Grade i.e. Rs.1600-2600. on promotion as Inspector on 31.9.1986, the pay scale of Rs.1640-2900 of the applicant has been drawing the salary in the regular pay scale and also arrears of increments at regular intervals. Under the Vth Central Pay Commission, the pay of the applicant was fixed in the pay scale of Rs.5500-9000 and his pay has been fixed at Rs.7500/-. Subsequently, he got two advance increments vide order dated 26.8.1983. The applicant's pay was fixed and ~~was~~ ^{4th} were granted ~~increments~~ at the scheduled intervals ~~as per FR-22~~ as per FR-22. On 31.1.2001 the applicant has retired on superannuation, his pension has been sanctioned. The respondents wanted to recover the amount since the pay scale was not

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4. Per contra, the respondents have filed the reply and contended that some of the facts are admitted and some of the facts are denied.

5. We have heard the learned counsel on either side. At the outset, the learned counsel for the applicant has submitted the orders of this Tribunal in OA No.321/2001, decided on 1.8.2003 and stated that the applicant's case is squarely covered by the aforesaid Judgement of this Tribunal. After perusal of the aforesaid Judgement in OA No.321/2001, we are of the considered view that this OA can be disposed of by directing the respondents to consider the case of the applicant in view of the directions passed in OA No.321/2001, decided on 1.8.2003 within a period of two months from the date of receipt of a copy of this order. We order accordingly. With this, the OA stands allowed in terms of the above directions. No costs.

(G. SHANTHAPPA)
Judicial Member

(M. P. SINGH)

पृष्ठ सं. ओ/कां... जलपुर, दि.....

प्रतिनिधि

(1) श्री...
(2) श्री...
(3) श्री...
(4) श्री...

सूचना एवं जानकारी के लिए
श्री...
25-11-03
फोटो रजिस्टार

25/11/52
J. J. J.