

**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  
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.130-5-33 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 IVth 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 were granted increments at the scheduled intervals 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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Yours

in accordance with the rules. The applicant  
non-  
has submitted his representation for/recovery  
of excess pay and allowances as there was  
no fault on his part. The said representation  
was rejected vide Annexure A-9.

3. The learned counsel for the applicant has stated that the applicant's case is squarely covered by the Judgement of this Tribunal in OA No.274/1991 (Ku. C.P.Amini v. Union of India and Others and also by the Judgement of this Tribunal in OA No.103/1997 (V.P.Tiwari vs. Union of India & Others) decided on 10.3.1998 (Annexure A-11).

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 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)