

Central Administrative Tribunal
Jaipur Bench, JAIPUR

OA.298/2006

This the 23rd day of July, 2010

Hon'ble Mr. M.L. Chauhan, Member (Judicial)
Hon'ble Mr. K.S. Sugathan, Member (Administrative)

Smt. Jatan Kanwar W/o Late Shri Bhawani Singh ji S/o Sh. Madho Singh Ji, age about 63 years, R/o Bhojpura via Jobner, Tehsil Sambhar District Jaipur, Rajasthan. Presently resident of 20, Income Tax Colony, Vaishali Nagar, Ajmer.

..... Applicant

(By Advocate: Shri Surendra Singh)

- Versus -

1. Union of India,
Through Secretary to the Govt. of India
Ministry of Finance,
Department of Income Tax,
New Delhi.
2. Chief Commissioner,
Department of Income Tax,
New Central Revenue Building,
Statue Circle, Jaipur(Raj.)
3. Director,
Income Tax (Investigation)
New Central Revenue Building
Statue Circle Jaipur.
4. Accounts Officer,
Zonal Accounts Office,
New Central Revenue Building
Statue Circle, Jaipur. Respondents

(By Advocate: Shri Gaurav Jain)

ORDER (ORAL)

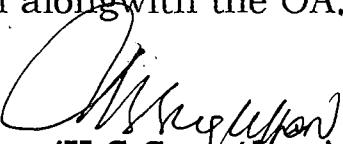
Heard learned counsel for applicant.

2. The applicant is wife of deceased late Shri Bhawani Singh, who died on 23.8.2000 while working with the respondents. The respondents have recovered a sum of Rs. 90574/- from the retiral benefits of the deceased on account of payment of two advance increments which were granted to him on passing of the Departmental Examination for the post of Income Tax Inspectors held in July, 1974. The aforesaid two advance increments were granted to the deceased consequent upon his representation where he had misrepresented before the competent authority that he is entitled to get two advance increments on passing the departmental examination in view of the Board's circular dated 24.7.1955. Subsequently, the advance increments so granted were withdrawn vide order dated 24.6.1978. It appears that the deceased was drawing the increments till his death, even though he was held disentitled for the same vide order dated 24.6.1978. The applicant has prayed that recovery so effected may be refunded with interest.

3. We have heard learned counsel for the parties at length. At this stage learned counsel for applicant submits that he may be permitted to make comprehensive representation to the authorities in the light of the instructions dated 20th October, 1994. In view of what has been stated above, the present OA is disposed of with a liberty reserved to the applicant to file representation before the appropriate authority which shall be considered by the authority in accordance with the law and such consideration will be without

prejudice to any contention relating to limitation or delay and latches.

5. In view of the order passed in OA, no order is required to be passed in the MA for condonation of delay which shall stand dispose of alongwith the OA.



(K.S. Sugathan)
Member (Administrative)



(M.L. Chauhan)
Member (Judicial)

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