

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

Date of decision-29.10.2015.

CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MR. UDAY KUMAR VARMA, MEMBER (A)

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(I) OA NO. 060/00148/2014

Thakar Dass, aged 63 years S/o Sh. Jagat Ram, Income Tax Officer (Retired), House No. 213/8, Improvement Trust Colony Scheme No. 5, Jail Road, Gurdaspur.

...APPLICANT

VERSUS

1. Union of India through Secretary to Government of India, Ministry of Finance, Department of Revenue, New Delhi.
2. Central Board of Direct Taxes, New Delhi through its Chairman.
3. Chief Commissioner of Income Tax, North West Region, Aayakar Bhawan, Sector 17-E, Chandigarh.
4. Additional Commissioner of Income Tax, Range VI, Saili Road, Pathankot-145001.

...RESPONDENTS

(II) OA NO. 060/00146/2014

1. Dharam Chand Sharma, aged 64 years S/o Sh. Chhuju Ram, ITO (Retired), R/o H.No. 72, Gokal Nagar, Street No. 2 (Saint Sai Schoolwali Gali), P.O. Vijay Nagar, Amritsar.
2. Ashok Kumar Gupta S/o Sh. Daulat Ram, Income Tax Officer (Retd.), R/o H.No. 41, New Amritsar, G.T. Road, Amritsar.
3. Kuldeep Singh Kahlon S/o Gurbachan Singh, Income Tax Officer (Retd.), R/o 49, Gagan Colony, Batala Road, Amritsar.

...APPLICANTS

VERSUS

1. Union of India through Secretary to Government of India, Ministry of Finance, Department of Revenue, New Delhi.

2. Central Board of Direct Taxes, New Delhi through its Chairman.
3. Chief Commissioner of Income Tax, North West Region, Chandigarh.
4. Commissioner of Income Tax-I, C.R. Building, Maqbool Road, Amritsar-143001.

...RESPONDENTS

Present: Sh. R.K. Sharma, counsel for the applicants.
Sh. A.K. Sharma, counsel for the respondents.

ORDER (ORAL)

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J):-

Both these cases involve identical questions of facts and law and as such these have been taken up for disposal by a common order. For facility of reference facts are being taken from O.A. No. 060/00148/2014 - **Thakar Dass Vs. Union of India & Others.**

2. Challenged in this O.A is to the order dated 11/12.07.2013 as conveyed to the applicant vide communication dated 27.07.2013 whereby his request for removal of anomaly in the pay scale with his junior Smt. Mandeep Kaur Dhingra, ITO (Retd.) has been rejected.

3. Sh. R.K. Sharma, learned counsel for the applicants submitted that the request of the applicants for removal of anomaly was rejected by the respondents on the basis of principles laid down under FR 22-C whereas office of Chief Commissioner of Income Tax, N.W. Region, Patiala had issued instruction/circular dated 29/31.07.1992 wherein they have devised a mechanism to remove anomaly in the pay if a junior is getting higher pay than his senior but the respondents have not considered the same. The respondents have also not considered the fact that persons like the applicants are granted the similar benefit by relying upon the circular dated 29/31.07.1992. It is further stated that since the impugned order is non-speaking, the matter may be remitted back to the respondents to reconsider the entire issue in the light of the circular/instruction issued in the year 1992, keeping in view that similar situated persons have

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already been granted the identical benefit and pass a reasoned and speaking order in a time bound manner.

4. Learned counsel for the respondents submitted that though the case of the applicants was rejected following the FR 22-C but while considering their case there is not even a whisper of circular/instruction of 1992 year, therefore, he does not object to the prayer made by the learned counsel for applicants and states that the authorities will reconsider the matter and till then they will keep the impugned order in abeyance. Ultimately, if the case goes in their favour, they will withdraw the earlier rejection orders and pass a fresh speaking order in accordance with law and rules.

5. Considering the consensual agreement reached between the parties, we remit back the matter to the respondents with a direction to the competent authority amongst the respondents to reconsider and take a view on the case of the applicants in the light of the above observations, by passing a reasoned and speaking order within a period of three months from the date of receipt of a certified copy of the order.

6. In view of the above observations and direction, both the O.As stand disposed of.

7. No orders as to costs.

(UDAY KUMAR VARMA)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 29.10.2015.

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