

**Central Administrative Tribunal
Principal Bench**

OA No.3406/2018

New Delhi, this the 14th day of September, 2018

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)

1. Shri Yogendra Krishna Gaiha,
Aged about 68 years, Code No.75032.
Chief Commissioner of Income Tax (Retd.)
S/o Late Shri Janardan Das Gaiha,
R/o 114, Golf Apartments, Sujan Singh Park,
3, Maharshi Raman Marg,
New Delhi-110003,
2. Shri Mahender Prasad Sharma,
Aged about 69 years,
Chief Commissioner of Income Tax (Retd.)
S/o Late Shri Harswarup Sharma,
R/o 21, Gian Park, Krishna Nagar,
Delhi-110051.
3. Shri Kamlesh Argal,
Aged about 67 years, Code No.74045,
Chief Commissioner of Income Tax (Retd.)
S/o Dr. Rajeshwar Prasad Argal,
R/o 4th Floor, Rajeshwar, MIG-15,
Shiv Nagar, Damoh Road,
Jabalpur-482002.
4. Shri Sushil Kumar Gupta,
Aged about 71 years, Code No.72024,
Chief Commissioner of Income Tax (Retd.)
S/o Late Shri Satya Parkash Gupta,
R/o D-128, Sector 40,
Noida-201303.
5. Shri Ramji Sinha,
Aged about 69 years, Code No.73022,
Chief Commissioner of Income Tax (Retd.)
S/o Late Shri H. N. Sinha,
R/o 202 Boxes, Greenwoods Government

Officers Society Ph.I,
Sector Omega one, Greater Noida-201310.

6. Shri Mahendra Pal Varshney,
Aged about 67 years, Code No.76011,
Chief Commissioner of Income Tax (Retd.)
S/o Late Shri H.P. Varshni,
R/o A-7/23, Ground Floor,
DLF, Phase-I, Gurgaon-122002.
7. Smt. Namita Shukla, (L.R.), Legal Heir,
Aged about 58 years, Code No.73002,
Chief Commissioner of Income Tax (Retd.)
W/o Late Shri Nandkishore Shukla (IRS),
R/o House No.93, IRS Co-operative Group
Housing Society, Abhay Khand, Phase-II,
Indiralpuram, Ghaziabad, UP.
8. Shri Ram Priya Sharan
Aged about 71 years, Code No.71021
Chief Commissioner of Income Tax (Retd.)
S/o Shri Saryu Sharan Sinha
R/o C-101, Sector 49
Noida-201301.
9. Shri Luaia Nampui
Aged about 71 years, Code No.73053,
Chief Commissioner of Income Tax (Retd.)
S/o Late Shri Lalkhupa Nampui
R/o Sumila Cottage, Rangi Jynriew
Upper Nongthymmai, Selong-793014.
10. Shri K.P. Singh, Age about 67 years
Code No.75026, Chief Commissioner of Income Tax
(Retd.), S/o Late Shri Ram Naryan Singh,
R/o C-904, Aishwarya Complex
Errora Park, Vadodara-390007.
11. Shri S.P. Pandey, Age about 69 years
S/o Shri Shobah Nath Pandey
Code No.74036,
Chief Commissioner of Income Tax (Retd.)
R/o 907, Panchtirth Apartment
Near Jodhpur, Cross Road
Satellite, Ahmedabad-380015.

12. Shri K.P. Mandal, Age about 72 years
Code No.72052,
Chief Commissioner of Income Tax(Retd.)
S/o Late Shri Durga Prasad Mandal
R/o C-21, Samprat Residency
Premchand Nagar Road
Satellite Ahmedabad-380015.
13. Shri Sunil Verma, Age about 66 years
Code No.78017
Chief Commissioner of Income Tax(Retd.)
S/o Late Shri Jagdish Chand Verma
R/o Flat No.501, Golden Heights
B-201, Rajendra Marg, Bapu Nagar
Jaipur-302015.
14. Shri Anjani Kumar, Age about 67 years
Code No.75017, Chief Commissioner of Income Tax
(Retd.),S/o Late Shri Nagandra Narayan
R/o E-69, 3rd Floor, Greater Kailash-I
New Delhi-110048.
15. Shri Subir Kumar Mitra
Aged about 69 years, Code No.74039,
Chief Commissioner of Income Tax (Retd.)
S/o Shri Sudir Kumar Mitra,
R/o Gaurav Apartment, 7-A Lake Place
Flat No.4, 4th Floor, Kolkata-700029.
West Bengal.
16. Shri Rakesh Kumar Jain, Age about 70 years
Code No.6221, Chief Commissioner of Income Tax
(Retd.), S/o Late Shri Kailash Chand Jain
R/o Sector C-6, Flat No.6221, Vasant Kunj
New Delhi.
17. Mrs. Pamela Bhandari, Age about 70 years
Code No.74013, Chief Commissioner of Income Tax
(Retd.), S/o Shri Anil Kumar Bhandari
R/o A-59, Hauz Khas, New Delhi-110016.
18. Shri Suresh Kumar, Age about 66 years
Code No.78055, Chief Commissioner of Income Tax
(Retd.), S/o Shri Ved Pal Singh

R/o House No.878
Sector 17-B, Gurgaon-122007, Haryana.

19. Shri Ashok Kumar Aneja
Age about 71 years, Code No.73027,
Chief Commissioner of Income Tax(Retd.)
S/o Late Shri Kundan Lal Aneja
R/o A-9/1, SFS Flats, Saket
New Delhi-110017.
20. Ms. Purnima Singh
Aged about 66 years, Code No.78047,
Chief Commissioner of Income Tax(Retd.)
W/o Shri S.S. Singh,
R/o A-150, Sector 43, Noida.
21. Shri Jamil Ahmad, Age about 68 years
Code No.76035, Chief Commissioner of Income
Tax(Retd.)
S/o Late Shri Baddoo Aliar Badruddin
R/o Jamil Ahmad, A-23, Sector 35
Noida-201301(U.P.).
22. Shri Surendra Kumar Pahwa
Aged about 66 years, Code No.78022,
Chief Commissioner of Income Tax(Retd.)
S/o Late Shri Jai Ram Pahwa
R/o 4-B, Neelkanth Apartments
46, I.P. Extension, Patparganj
Delhi-110092.
23. Shri Manoj Misra, S/o Shri Shiv Prasad Misra
Aged about 68 years
Code No.75015,
Chief Commissioner of Income Tax(Retd.)
R/o C-45A, Gangotri Enclave, Alaknanda
New Delhi-110009.
24. Shri Sada Shiv Bajpai
Aged about 66 years, Code No.76043,
Chief Commissioner of Income Tax(Retd.)
S/o Late Shri Ram Prasad Bajpai
R/o R-524, Ground Floor, New Rajender Nagar
New Delhi-110060.

... Applicants

(By Advocate: Shri Ravi Kumar)

Versus

- 1, Union of India through Secretary
Ministry of Finance
Revenue Department, North Block
Govt. of India, New Delhi-110001.
2. The Chairman, Central Board of Direct Taxes
Ministry of Finance
Revenue Department, North Block
Govt. of India, New Delhi-110001.
3. Secretary to Govt. of India
Department of Expenditure
Ministry of Finance, North Block
Govt. of India, New Delhi-110001.
4. The Secretary, Govt. of India
Department of Pension
And Pensioners' Welfare
Ministry of Personnel, Public Grievances
and Pensions, Lok Nayak Bhawan
Khan Market,
New Delhi-110003. ...

Respondents

ORDER (ORAL)

Mr. V. Ajay Kumar, Member (J) :-

Heard the learned counsel for applicant.

MA No.3374/2018

2. For the reasons stated therein, the MA filed for joining together in a single Application, is allowed.

OA No.3416/2018

3. The applicants filed this OA seeking the following reliefs:-

“a. This Hon’ble Tribunal will be pleased to call for the records which has led to the issuance of the order dated 31.05.2013 i.e. annexure A-1 so far as HAG + scale to the Chief Commissioners of Income Tax w.e.f. 23.05.2013 and after going through its propriety, legality and constitutional validity, be pleased to order and direct the Respondents to extend the said HAG+ scale i.e. Rs.75,500/- to 80,000/- to the Applicants from the date they were promoted as Chief Commissioners of Income Tax/D.G.I.T. between the period 01.01.2006 to 23.05.2013 with all consequential benefits of pay fixation, arrears of pay, difference of retiral dues, proper fixation of pension etc. with 18% interest on the arrears of payment of salary and pension including retiral dues.

b. This Hon’ble Tribunal will be pleased to order and direct the Respondents to fix the pension of the Applicants after due pay fixation in the HAG + scale and accordingly pay the monthly pension after taking into account the said pay fixation in HAG + scale with full arrears payable with 18% interest thereon.

c. Direct the respondents to revise w.e.f. 01.01.2006 the pension pre-23.05.2013 retiree – Chief Commissioners of Income Tax/D.G.I.T. apropos the Concordance Table – 54 of OM dated 6.7.2017 like post-23.05.2013 retiree-Chief Commissioner of Income Tax apropos 50% of the notional pay by adding

number as increments earned by the retiree-CCIT as recommended by the 7th CPC in para – 10.1.67 (i) as graphically illustrated in Para-10.1.70 of its report on the principle of “complete parity of past pensioners with current retirees”.

d.Pass such other and further orders as this Hon’ble Tribunal may deem fit, proper and necessary in the facts and circumstances of the case.

e.Award exemplary cost in favour of the Applicants.”

4. Though it is stated by the learned counsel for applicants that some of the applicants have made representations ventilating their grievances to the respondents before filing the instant OA, no copy of such representations is enclosed to the OA.

5. In the circumstances, the OA is disposed of, at the admission stage itself, without going into the merits of the case, by permitting the applicants to make appropriate representations ventilating their grievances to the respondents within a period of two weeks from the date of receipt of a certified copy of this order. On receipt of such representations from the applicants, the respondents shall consider the same and pass appropriate reasoned and speaking orders thereon, within a period of 90 days therefrom, in accordance with law. No costs.

(Aradhana Johri)
Member (A)

(V. Ajay Kumar)
Member (J)

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