

**Central Administrative Tribunal  
Principal Bench**

**OA No.3406/2018**

New Delhi, this the 14<sup>th</sup> 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 4<sup>th</sup> 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, 3<sup>rd</sup> Floor, Greater Kailash-I  
New Delhi-110048.
15. Shri Subir Kumar Mitra  
Aged about 69 years, Code No.74039,  
Chief Commissioner of Incoem Tax (Retd.)  
S/o Shri Sudir Kumar Mitra,  
R/o Gaurav Apartment, 7-A Lake Place  
Flat No.4, 4<sup>th</sup> 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, Alaknanada  
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 7<sup>th</sup> 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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