

**Central Administrative Tribunal
Principal Bench**

OA No.1663/2015

New Delhi, this the 4th day of September, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Shri Anil Kumar Kakkar,
S/o Shri Krishan Dutt,
Age 62 years,
Pay Accounts Officer (Retd.),
R/o 1091/GH-13,
Paschim Vihar,
New Delhi-110087.

...Applicant

(By Advocate : Shri B.K. Barera)

Versus

Union of India

1. Through, the Secretary,
Ministry of Finance,
Department of Revenue,
Central Board of Excise & Custom,
New Delhi.
2. The Chief Commissioner of Central Excise &
Service Tax,
Delhi Cadre Control Unit,
C.R. Building, I.P. Estate,
New Delhi-110 109.
3. Additional Commissioner of Customs,
IGI, Airport Terminal-3,
New Delhi.
4. Joint Commissioner of Customs,
IGI, Airport, New Delhi.
5. The Pay and Accounts Officer, Customs,
New Custom House, Near IGI Airport,
New Delhi.

...Respondents

(By Advocate : Shri Hanu Bhaskar)

ORDER (ORAL)**Justice L. Narasimha Reddy, Chairman :**

The applicant retired from service of Department of Revenue, Central Board of Excise & Custom, New Delhi, as Superintendent. He made a claim after retirement to the effect that his pay and pension needed to be upgraded to match with that of his junior Shri S.S. Kataria. On consideration of the same, the Administrative Officer of the Unit i.e. IGI Airport, New Delhi, passed an order dated 17.09.2013. It appears to have been forwarded to the Head of Office. The Additional Commissioner, Delhi Cadre Zone, addressed a letter dated 14.10.2014, to the Additional Commissioner of Customs, IGI Airport, stating that the case of the applicant has been referred to the Department of Personnel & Training, for their opinion. Reference is made to certain orders passed by the Chandigarh Bench of this Tribunal, Hon'ble Punjab and Haryana High Court and Hon'ble Supreme Court.

2. The applicant filed this OA challenging the proceedings dated 14.10.2010, issued by the respondent No.3. He contends that once the Head of Department has examined the case in detail and passed a reasoned order,

the 3rd respondents ought not to have passed the impugned order.

3. The respondents filed a short reply. According to them, the subject matter of the adjudication that has taken place before the Chandigarh Bench of this Tribunal is substantially different and in the context of observations made, which are specific to the case therein, the issue pertaining to the applicant is being examined in detail.

4. We heard Shri B.K. Barera, learned counsel for applicant and Shri Hanu Bhaskar, learned counsel for respondents.

5. It is no doubt true that the Head of the Unit from which the applicant retired, has recommended the upgradation of his pay to be on par with his juniors. However, the Head Office, to which the file was forwarded found certain difficulties in implementing that. As a matter of fact, in the order passed by the Unit head, and the letter of the Head Office, extensive reference was made to the order passed by the Chandigarh Bench of this Tribunal, Hon'ble High Court and the Supreme Court. The Head of Department wanted to examine certain facts, in

order to address individual grievances. Though no exception can be taken in the efforts being made by the Head of Office to examine the issue, the matter cannot be kept pending indefinitely, particularly, in view of the fact that the applicant retired from service long back.

6. We, therefore, dispose of the OA directing the respondents to give finality to the issue covered by the Order dated 17.09.2013 passed by the Administrative Officer of the Office of Additional Commissioner of Customs, IGI Airport, New Delhi – respondent No.3, within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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