

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
(CIRCUIT BENCH AT SHIMLA)**

OA No.063/00543/2018

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Date of decision- 17.05.2018

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

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Sh. Sunil Kumar Sood S/o Late Sh. Paras Ram, aged around 66 years, Group-B (Steno Grapher), Village Ghugar, P.O. and Tehsil Palampur, Distt. Kangra, Himachal Pradesh.

...APPLICANT

Present : Mr. Vishal Mohan, Advocate.

VERSUS

1. Principal Director General of Income Tax (HRD) 2nd Floor, ICADR Building, Plot No.6 Vasant Kunj Institutional Area, Phase-II, New Delhi-110070, North Block.
2. Department of Personnel and Training, Govt. of India, Ministry of Finance, New Delhi, through its Head Secretary.
3. The Secretary (Finance), Department of Expenditure, Ministry of Finance, Govt. of India, North Block, New Delhi.
4. The Chairman, Central Board of Direct Taxes, Ministry of Finance, Department of Revenue, North Block, New Delhi, 10001.
5. Principal Chief Commissioner of Income Tax, Cadre and Controlling Authority Ayakar Bhawan, Sector 17, Chandigarh.
6. Chief Commissioner of Income Tax Shimla, Railway Board Building Shimla.
7. The Zonal Accounts Officer, CBDT, SDA Complex, Block No.22, Kasumpti, Shimla 171009, Himachal Pradesh.

...RESPONDENTS

ORDER (ORAL)

...

SANJEEV KAUSHIK, MEMBER (J):-

1. Applicant in the present Original Application (OA) is seeking the following relief:-

“a) That in the facts and circumstances of the case, the ld. Authorities below are not justified in not allowing the benefit of MACP (Modified Assured Career Progression) which was right of the applicant and as such this Hon’ble Tribunal may be pleased to issue direction directing the ld. Respondents to allow the same.

b) That in the facts and circumstances of the case this Hon’ble Tribunal may further be pleased to direct the respondents to re-fix the salary and pension and accordingly direct the respondents to grant arrears due in his favour alongwith interest @ 24% per annum.

c) That in the facts and circumstances of the case this Hon’ble Tribunal may further be pleased to allow costs to the applicant for mental harassment caused to him since the year 2011.”

2. On the commencement of hearing, learned counsel for the applicant very fairly submitted that the applicant has served a representation followed by reminder. Though the same was replied, vide Annexures A-13 & A-14, but they have not taken a final view in the matter. Therefore, he submitted, at this stage, that let a direction be issued to respondents to take a final view on his pending representation by passing a reasoned and speaking order, in accordance with law.
3. Issue notice to the respondents.
4. At this stage, Mr. K.K. Thakur, Advocate appears on behalf of respondents no.1, 4 to 7 whereas Mr. Anshul Bansal, Advocate appears on behalf of respondents no.2 & 3, accept notice on their behalf and they do not object to the prayer of the applicant for disposal of the OA in the requested manner.
5. Considering the ad idem between the parties, we dispose of this OA at this stage, with a direction to Competent

Authority amongst the respondents to decide his pending representation, by passing a speaking and reasoned order thereon, in accordance with service rules and instructions.

Let the above exercise be completed within two months from the date of receipt of certified copy of this order. The order so passed be duly communicated to the applicant.

6. Disposal of the OA will not be construed as an opinion on the merit of the case.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 17.05.2018.

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