

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 350/1117/2017

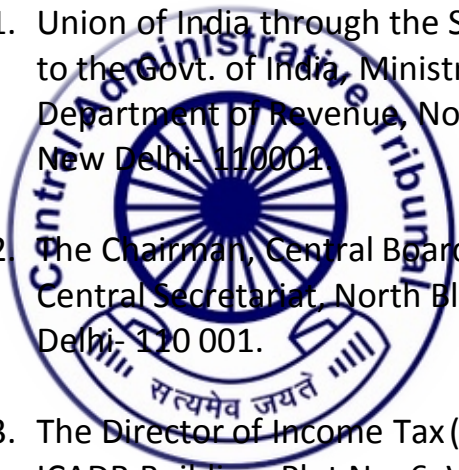
Date of Order: 27.02.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Apurba Kumar Pramanik, son of late
Kishori Mohan Pramanik, aged about
64 years, retired Addl. Commissioner of
Income Tax from Range II, Kolkata at
36/1, Tollygunge Circular Road, Kolkata-
700 053.

.....Applicant.

-vs-

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1. Union of India through the Secretary to the Govt. of India, Ministry of Finance, Department of Revenue, North Block, New Delhi- 110001.
 2. The Chairman, Central Board of Direct Taxes, Central Secretariat, North Block, New Delhi- 110 001.
 3. The Director of Income Tax (HRD), 2nd Floor, ICADR Building, Plot No. 6, Vasant Kunj, Institutional Area, Phase-II, New Delhi- 110070.
 4. Principal Chief Commissioner of Income Tax (West Bengal & Sikkim), Aayakar Bhawan (1st Floor), P-7, Chowringhee Square, Kol- 700 069
 5. The Chief Commissioner of Income Tax-I, Kolkata, Aayakar Bhawan (7th Floor), P-7, Chowringhee Square, Kolkata- 700 069.
 6. The Commissioner of Income Tax, Kolkata-IV, Aayakar Bhawan, P-7, Chowringhee Square, Kolkata- 700 069.

..... Respondents.

For the Applicant : Mr. SK Dutta, Counsel

For the Respondents : Mr. P. Mukherjee, Counsel

ORDER (Oral)

Per Ms. Manjula Das, Judicial Member:

Heard Mr. SK Dutta, learned counsel for applicant and Mr. P. Mukherjee, learned counsel for respondents.

2. The applicant has approached before this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“8(a) An order directing the respondents to consider the claim of the applicant regarding additional remuneration for holding additional charges as stated in details in the representation dated 30.01.2013 and to grant him the benefits of additional remuneration as per FR 49(iii) within a period as to this Hon’ble Tribunal may seem fit and proper with cost and interest as to this Hon’ble Tribunal may seem fit and proper.”

(b) An order holding that denial of benefits of additional remuneration to the applicant is highly discriminatory and arbitrary.

(c) An order directing the respondents to produce/cause production of all relevant records.

(d) Any other order or further order/orders as to this Hon’ble Tribunal may seem fit and proper.”

3. The brief fact of the case as narrated by the Id. Counsel for the applicant is that the applicant is a retired Additional Commissioner of Income Tax and he had retired on superannuation from service with effect from 31.01.2013. The applicant during his tenure as Joint Commissioner of Income Tax as well as Additional Commissioner of Income Tax discharged duties by holding charges in addition to his substantive charge for more than seven years and as, such, he was entitled to additional remuneration in terms of FR 49(iii) and the benefits of such additional remuneration as were extended to the applicants in OA. 784 of 2010 as

the applicant is similarly situated to that person. As such, the applicant has made a representation dated 19.09.2013 , but till date the applicant's case has not been considered. Hence he has approached before this Tribunal in the present OA.

4. Ld. Counsel for applicant submit that presently the applicant will be satisfied if a direction is given to him to file a comprehensive representation before the appropriate authority and respondents are directed to consider and dispose of the same within a time frame.

5. By accepting the prayer of the Id. Counsel for the applicant and without going into the merits of the case, we hereby dispose of the OA by directing the applicant to make a comprehensive representation by making all his grievances before the competent authority within a period of one month from the date of receipt of the order. On receipt of such representation the respondent authority shall dispose of the same within a period of three month thereafter by passing a reasoned and speaking order. The decision so arrived shall be communicated to the applicants forthwith.



6. Hence, the OA is disposed of. No costs.

(Dr. Nandita Chatterjee)
Member (A)
pd

(Manjula Das)
Member (J)