

LIBRARY

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA**

OA No.350/01552/2015

Dated of order: 16.11.2015

PRESENT:

THE HON'BLE MR. JUSTICE G. RAJASURIA, JUDICIAL MEMBER
THE HON'BLE MS. JAYA DAS GUPTA, ADMINISTRATIVE MEMBER

.....
Suraj Narayan Singh, son of Late Shyam Baran Singh, aged about 68 years, retired Addl. Commissioner of Income Tax, Office of Range-3/Kolkata under Commissioner of Income Tax, Kolkata-1, residing at 29, Sadanand Road, Kalighat, Kolkata-700 026.

.....Applicant

For the Applicant: Mr. S.K.Datta, Counsel

-Versus-

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), Aaykar Bhawan, (1st Floor), P-7 Chowringhee Square, Kolkata-700 069.
5. The Principal Commissioner of Income Tax-I, Kolkata, Aayakar Bhawan (7th Floor), P-7, Chowringhree Square, Kolkata-700069.

.....Respondents

For the Respondents : Mr.S.Paul, Counsel.

ORDER

JUSTICE G. RAJASURIA, JM:

Heard both at this admission stage itself.



2. This OA has been filed seeking the following reliefs:

"(a) An order directing the respondents/authorities concerned to consider the claim of the applicant regarding additional remuneration as made in the representations Annexure-A/10 collectively to the original application (Annexure-A/5) and to grant him the additional remuneration as claimed by the applicant within a period as to this Hon'ble Tribunal may seem fit and proper;

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

(c) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."
(extracted as such)

3. The Learned Counsel for the applicant placing reliance on Annexure-A/6, the office circular dated 03.09.2013 issued by the Additional Commissioner of Income Tax Hqs (Admn.), Kolkata for the Chief Commissioner of Income Tax, Kolkata, would develop his argument to the effect that his client, the applicant herein, is a retired Additional Commissioner of Income Tax, who comes squarely within the ambit of the said circular cited supra. The representations dated 01.10.2013, 5.5.2014, 28.6.2014, 21.8.2014, 4.2.2015 and 1.4.2015 were made, but there was no response from the respondent concerned. Hence this OA.

The Learned Counsel for the Respondents would submit that suitable direction might be given to the respondents to consider the representations and deal with the same as per the circular and the rules governing the field and issue a reasoned order.

4. What we could see, at this juncture, is that the contention of the applicant is that his case is coming squarely within the ambit of the circular dated 03.09.2013. It is also clear that the respondent's department

17/9/

concerned also desired to implement the circular. In such a case, we are having no hesitation in issuing the following direction:

The Respondent authorities concerned shall consider the representations of the applicant, referred to supra with reference to the circular dated 03.09.2013 and see as to whether his case is covered by the cited circular and if so the same shall be implemented in *stricto sensu*, in favour of the applicant or else issue a detailed reasoned order within a period of one month from the date of receipt of a copy of this order.

5. This OA is accordingly disposed of. No costs.

(Jaya Das Gupta)
Member (Admn.)

(Justice G. Rajasuria)
Member (Judl.)