

**LIBRARY**CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No.O.A.350/02058/2015

Date of order : 28.06.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative MemberDIPAK CHAUDHURI  
VS.UNION OF INDIA & ORS.  
(INCOME TAX)For the applicant : Mr. S.K. Dutta, counsel  
For the respondents : Mr. P. Goswami, counselORDERPer Justice V.C. Gupta, J.M.

Heard the Id. Counsel for the applicant and Id. Counsel for the respondents.

2. No reply has been filed in this matter. Id. Counsel for the respondents is not in a position to file reply even today. The respondents' right to file reply has been closed as per order of this Tribunal dated 22.02.2016 for their non-appearance on the said date. Hence we have heard the Id. Counsel for the applicant and perused the record.

3. The applicant, Dipak Chaudhuri retired from service on 31.10.2008 ~~during his service tenure~~ as Joint Commissioner/Additional Commissioner of Income Tax. It has been submitted that the applicant worked on additional charge for more than 45 days at a stretch on different occasions and, therefore, he is entitled to additional remuneration under FR 49 for holding additional charge as per the letter dated 18.09.2012 issued by the Government of India, Ministry of Finance, Department of Revenue, CBDT, F.No.C-18011(S)/54/2010-SO(V&L)[Annexure A-5 to the O.A., page 86].

He made a representation in this regard to the Commissioner of Income Tax, Kolkata-IV on 02.04.2014(Annexure A-5 to the O.A., page 30). It is stated that thereafter certain queries were made by the department which were replied by the applicant on 04.11.2015. Since then the department has not taken any decision. It was further submitted that in similar circumstances the benefit of additional remuneration was extended to Sri Parimal Saha and S.S. Alam vide order dated 24.02.2014 and same benefits were given to others who were similarly situated. A judgment of this Tribunal in O.A.784 of 2010 dated 23.12.2011 has been relied upon in this regard, compliance of which has already been made.

4. Having considered all the facts and circumstances of the case, we direct the Commissioner of Income Tax, Kolkata-IV to look into the grievances of the applicant and dispose of his representation in accordance with law keeping in view the fact that similar benefits were granted to other counterparts of the applicant, within a period of three months from the date of production of a certified copy of this order. If the authorities come to the conclusion that the applicant is entitled to additional remuneration, they shall pay the same to the applicant within one month from the date of taking decision in the matter.

(J. Das Gupta)  
Administrative Member

2016  
(Justice V.C. Gupta)  
Judicial Member

s.b