

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

ORIGINAL APPLICATION NO.63/1394/2018

Chandigarh, this the 20th day of November, 2018

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

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Shri Nikka Ram son of Late Shri Labha Ram, aged 64 years, resident of Summer Cottage, Vijay Nagar, Shimla-171009, Ex. Office Superintendent, Office of the Chief Commissioner of Income Tax, Railway Board Building, Shimla (Group-B).

... APPLICANT

(Present: Mr. R.P. Singh, Advocate)

VERSUS

1. Union of India through Secretary to the Govt. of India, Ministry of Finance, New Delhi-110001.
2. Pr. Chief Commissioner of Income Tax, Sector 17-E, Chandigarh-160017.
3. Chief Commissioner of Income Tax, H.P. Region, Railway Board, Shimla-171009.
4. Pr. Commissioner of Income Tax, Railway Board Building, Shimla-171009.

... RESPONDENTS

ORDER (Oral)

...

SANJEEV KAUSHIK, MEMBER (J) :-

1. The present Original Application (OA) has been filed by the applicant seeking the following relief:-

“(a) Entire records pertaining to the case may kindly be summoned and perused.

(b) Direction may kindly be issued to the respondents to grant Third MACP in the pay scale of Rs.9300-34800 with the Grade Pay of Rs.5400 w.e.f. 01.09.2008 to the applicant, as has been granted in a similarly situated person, in view of the judgment rendered in case of OA No.063/00001/15 dated 09.09.2015 with all consequential benefits and arrears thereof alongwith interest thereon.

(c) Any other writ, order or direction, as may be deemed just and proper in the peculiar facts and circumstances of the case be issued.

(d) Cost may be awarded in favour of the applicant and against the respondents. And justice may be done.”

2. On the commencement of hearing, Mr. R.P. Singh, learned counsel for the applicant submitted that before approaching this court, the applicant has submitted a representation for grant of 3rd MACP, which has not been answered by the respondents till date. He submitted that the applicant is claiming relief based on the judicial pronouncement of this court in case of **Smt. Lata Devi versus Union of India and others,** in OA No.063/00001/2015, decided on 14.09.2015 (Annexure A-3). Therefore, he made a statement at the bar that the applicant would be satisfied if a direction be issued to the respondents to take a final view on his pending representation.

3. Issue notice to the respondents.

4. Mr. Ram Lal Gupta, Advocate, accepts notice on behalf of the respondents. He did not object the prayer of the applicant to the

disposal of OA, with a direction to decide his representation on pending claim. However, they be given sufficient time to examine the case of the applicant in the light of the decision relied upon by him.

5. In the wake of above noted facts, we dispose of the present petition, in limine, with a direction to the competent authority amongst the respondents to decide the claim of the applicant in terms of the decision relied upon by him, and if due applicant be granted benefits, otherwise reasoned and speaking order be passed. Let the above exercise, be carried out within a period of two months, from the date of receipt of a certified copy of the order.

6. The disposal of OA may not be construed as an opinion on the merit of the case.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 20.11.2018.

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