

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/0001619/2018

DATED THIS THE 24TH DAY OF JANUARY, 2019

**HON'BLE DR.K.B. SURESH
HON'BLE SHRI C.V. SANKAR**

**...MEMBER(J)
...MEMBER(A)**

T.C. Gupta,
S/o Shri Gyam Chand Gupta,
Aged about 64 years,
R/o. S-77, Golden Enclave,
Old Airport Road,
Bangalore-560 017.
Retired Joint Commissioner of Income Tax,
Bangalore.

..Applicant.

(Party in person)

Vs.

1.The Union of India,
Through the Finance Secretary,
Ministry of Finance
Department of Revenue ,
Government of India,
New Delhi-110001.

2.The Pr. Chief Commissioner of Income Tax,
Karnataka & Goa Region,
C.R. Building, Bangalore-560 001.

3. The Commissioner of Income Tax (Admn.)
O/o the Pr. CCIT,
Karnataka & Goa Region,
C.R. Building, Bangalore-560 001.

4. The Addl. Commissioner of Income Tax (HO),
O/o the Pr. CCIT,
Karnataka & Goa Region,
C.R. Building, Bangalore-560 001.

5. The Dy. Commissioner of Income Tax (HQ.)

NO1619/18/CAT//BANGALORE

O/o the Pr. CCIT,
Karnataka & Goa Region,
C.R. Building, Bangalore-560 001.

6.The Zonal Accounts Officer (Pension),
CBDT, CR Building,
Bangalore-560 001.

....Respondents.

(By Standing Counsel Shri Vishnu Bhat, for Respondents)

ORDER (ORAL)

HON'BLE DR.K.B.SURESH ...MEMBER(J)

Heard. Shri Vishnu Bhat, learned counsel for the respondents submits that the OA has become infructuous, as on receipt of the interim relief itself they have resolved the matter at their end. They would say that under For, TR 37 B Rule 349 (i), a Provisional Pension Bill had to be signed and given by the applicant. Sometimes, for the purpose of accounts, all sorts of forms are created in the governance. But after having seen through at least 10 cases of the very same person, we have now understood what is going on in that department. Pension can be said to be an emanated right of a person for sustenance after superannuation, for which he has to give necessary forms. We have therefore examined the alleged form which he ought to have given and found that it is infact a receipt indicating that he had received the payment, whereas he has not received any payment at all. They would say that it is only an advance signature. There cannot be any advance signature. Since the payment is made by Bank to Bank. There is no advance signature required. On these non-feasible grounds they cannot stop the pension, as then life and livelihood of a person becomes diminished. At least to that extent, we are very sure that it is for some other purpose that it has been done. However, in

the absence of the applicant, we are not going deeply into it.

2. However, since the matter has been resolved, we will now dispose of the OA with a cost of Rs.5,000/- to be paid to the applicant.

(C.V. SANKAR)
MEMBER(A)

(DR.K.B.SURESH)
MEMBER(J)

Vmr

Annexures referred to by the Applicant in OA No.170/001619/2018

1. Annexure A1 : Copy of respondent letter dated 9.7.2018.
2. Annexure A2 : Copy of applicant letter dated 17.7.2018.
3. Annexure A3 : Copy of applicant letter dated 17.9.2018.
4. Annexure A4 : Copy of respondent letter dated 9.9.2015.
5. Annexure A5 : Copy of applicant letters dated 15.9.2015, 29.9.2015, 9.10.2015, 23.10.2015 and 14.1.2016.
