

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the **01st** day of **May**, 2019

Present :

Hon'ble Ms. Ajanta Dayalan, Member-A**Hon'ble Mr. Rakesh Sagar Jain, Member-J**

Original Application No.330/00427/2019

Vishwanath Prasad Kailkhuri aged about 72 years, Jr. Hindi Translator (Retd), O/o the Chief Commissioner of Income Tax, Civil Lines Kanpur - 208024.

.....Applicant.

By Advocate –Shri M.K. Upadhyay
Shri A.K. Singh

V E R S U S

1. Union of India, through the Secretary, Ministry of Finance, Department of Revenue, Government of India, New Delhi.
2. The Chairman, Central Board of Direct Taxes, Ministry of Finance, Department of Revenue, North Block, New Delhi.
3. The Additional Director General (Income Tax), Directorate of Income Tax, (PR, PP & OL) 6th Floor, Mayur Bhawan, Connaught Circus, New Delhi.
4. The Chief Commissioner of Income Tax, Civil Lines, Kanpur.

..... Respondents.

By Advocate : Shri L.P. Tiwari

O R D E R

By Hon'ble Ms. Ajanta Dayalan, Member-A :

Heard Shri M.K. Upadhyay, counsel for the applicant and Shri L.P. Tiwari, counsel for the respondents.

2. Learned counsel for the applicant states that the applicant retired in the year 2006 but he is seeking pay fixation w.e.f. 01.01.1996. This benefit was granted to him earlier. He also states that grant of benefit is already covered by the judgment of Hon'ble Supreme Court dated 25.07.2013 in the case of Union of India & ors. Vs. Rajesh Kumar Gond, placed at Annexure-8 of the OA. Learned counsel for the applicant states that the applicant has made a

representation dated 14.03.2019 (Annexure-11) which may be decided by the respondents' department. He further states that he will be satisfied in case a direction is given to the respondents to consider and decide the representation of the applicant dated 14.03.2019 (Annexure-11) in the light of Hon'ble Supreme Court judgment (supra) within a stipulated period of time.

3. In view of the limited prayer made by the counsel for the applicant, we direct the respondents' department to consider and decide the representation of the applicant dated 14.03.2019 (Annexure-11), in the light of Hon'ble Supreme Court judgment quoted above as well as rules and instructions and other relevant factors, by passing a reasoned and speaking order within a period of three months from the date of receipt of certified copy of this order. The order so passed shall be communicated to the applicant.

4. It is made clear that this order shall not be construed as any expression or opinion on the merits of the case or regarding limitation.

5. We have not considered the question of delay at this stage and the OA has been filed with delay condonation application. As such, the question of delay condonation application is not considered at this stage.

6. In view of the above direction, the OA as well as MA No.990 of 2019 for condonation of delay are disposed of. No costs.

Member-J

Member-A

RKM/