

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No 916/2003

New Delhi this the 17th day of October, 2003.

HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

Nand Prakash Sahni,  
R/o 239, Westend Marg,  
Mehrauli Badarpur Road,  
V. Saidulazab,  
New Delhi-110030.

-Applicant

(Applicant in person)

-Versus-

1. Union of India,  
through its Secretary,  
Department of Revenue,  
Ministry of Finance,  
Government of India,  
North Block, New Delhi-110 011.
2. Chairman,  
Central Board of Direct Taxes,  
Department of Revenue,  
Ministry of Finance,  
North Block, New Delhi-110 001.
3. Principal Chief Controller of Accounts,  
Central Board of Direct Taxes,  
4th Floor, Lok Navak Bhawan,  
Khan Market, New Delhi-110 003.
4. Zonal Accounts Officer,  
CBDT, New Delhi.
5. A.G.C.R. Indraprastha Estate,  
New Delhi-110 002.

-Respondents

(By Advocate Shri M.M. Sudan)

ORDER (ORAL)

Applicant, who was former Vice-Chairman of Income Tax Settlement Commission has sought for the following reliefs:

- "(a) direct the respondents to pay a reasonable interim amount having regard to -
- (i) the missing credits specifically mentioned in the body of this application and summararily in paragraphs 3 and 4.3.
- (ii) the minimum compulsory monthly deduction from pay for approximately 5 years of non gazetted service from 19.11.1959 to 5.7.1965 excluding the first year of service:

- (iii) the varying interest rate and bonus due from year to year; and
- (iv) the total period involved which is roughly estimated for purposes of interim relief at Rs.2.50 lakhs as on date;
- (b) direct the respondents to pay the aforesaid amount or such other amount as Hon'ble Tribunal may consider reasonable by way of interim relief on or before a specific date."

2. Applicant, who appeared in person states that despite providing to respondents the relevant material regarding missing credit and non-payment the same has not been meticulously examined and dealt with. It is further contended that in absence of the record maintained a presumption is to be drawn against respondents and on affidavit relevant missing credits alongwith interest, bonus are to be paid to him.

3. On the other hand, respondents' counsel Sh. M.M. Sudan fairly stated that the respondents on their own on the basis of course of action suggested by applicant in his rejoinder, i.e., to designate a single officer to amicably settle the claim without any inconvenience to him the matter was put up before the respondents wherein as a principle it has been agreed to.

4. However, applicant contends that all the particulars have already been furnished to respondents separately as well as incorporated in his application which is on an affidavit.


5. Having regard to the contentions adduced from both the sides, ends of justice would be duly met if the

15

(3)

present OA is disposed of with a direction to respondent No.3 to nominate an officer not below the rank of Senior Accounts Officer, who may consider the present OA as the particulars of missing credits as well as affidavit of applicant, keeping in view Government of India's instructions contained in OM dated 8.8.1977, which provides in absence of any collateral evidence to adjust the missing credits on the basis of the affidavit of the concerned government servant. The aforesaid nominated officer shall meticulously go into the details of the missing credits and in its furtherance may call for the record from all the departments where applicant had worked in a gazetted or non-gazetted capacity. This shall not preclude applicant to provide additional material in case he is accordingly informed by the nominated officer. Ordered accordingly.

6. The aforesaid consideration shall be completed within a period of three months from the date of receipt of a copy of this order and in the event the claim of applicant as to the missing credits and his further claims are found justifiable the necessary payments would be accorded to him. In the event applicant is still aggrieved it would be open to him to revive the present OA. No costs.

  
S. Raju  
(Shanker Raju)  
Member (J)

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