

14

Central Administrative Tribunal
Principal Bench, New Delhi

O.A. No.169/2003
M.A. No.176/2003

New Delhi, this the 23rd day of January,2004

Hon'ble Mr.Justice V.S. Aggarwal,Chairman
Hon'ble Mr.S.A. Singh,Member(A)

1. Jai Shankar Prasad S/O Sh. Bhadur Ram.

B-400 Kidwai Nagar East,

New Delhi-110023

2. Nazir Singh Yadav Son of
Sh. Raj Kumar Yadav
R/O H.No. N-164m Teachers Colony,
Pratap Vihar, Ghaziabad U.P.

3. Ram Pal Singh Son of Shri
Dungar Singh, Resident of
H.No. 427 Block -N Sewa Nagar,
New Delhi-110003

4. Shri Kanti Swaroop Sharma Son of
Shri Adal Prasad Resident of
Flat no. 1166, Pocket -C, LIG Flats,
East Loni Road, Shahdara, Delhi.

5. Shri Siya Ram Son of Shri
Babu Lal Resident of
80/6, Pushp Vihar , M.B. Road,
New Delhi

6. Madan Lal Son of Late
Shri Paagu Mal, Resident of
Qr. No. 310 Block No. 80, Sector-1,
Peshwa Road, Gole Market,
New Delhi.

7. Shri K.K. Sharma Son of Shri Chitra Sharma Resident of
BC-3/46-A Paschim Vihar, New Delhi.

8. Shri Jawala Prasad Son of Shri Roshan Lal Resident of 736, Janta Flats Nand Nagari G.T.B. Enclave, Delhi-93
9. Shri Bhagwan Sahu Son of Shri Vasudev Sahu Resident of 9/201 Kichripur, Delhi-91
10. Shri Sahdee Prasad Son of Shri Bhulai, Resident of D-370, Ganesh Nagar, Delhi-110092
11. Shri Mehinder Singh Son of Sh. Kishan Lal Resident of 371 Lucknow Road, M.B. Road, New Delhi.
12. Shri Bhej Raj Sharma Son of Shri Pandit Net Ram Sharma, Resident of G-94, Mohan Garden Uttam Nagar, New Delhi
13. Shri Vinod Kumar Sharma Son of Sh. Late Krishan Kumar Sharma Resident of 1853 Kucha Khilari Ram Jiwali Bazar, Sita Ram, Delhi
14. Shri Ambika Prasad Son of Late Sh. Shiv Kumar, Resident of 524 -E Gali No-4 Prem Gali Babarpur, Shahdara Delhi
15. Sh. Bhagwati Prasad Son of Late Sh. Bachi Ram, Netiyal Resident of 158-B C-1 Mayur Vihar Phase-III, Delhi-96
16. Shri Sardar Singh Son of Late Sh. Ram Naresh Singh Resident of C-41/163, Janta Flats Bhera Road, New Delhi
17. Shri Bhuvneshwar Son of Late Sh. Bhagwan Das, R/O 108-J Gali No 2 Laxmi Nagar, Delhi-92.
18. Sh. Dheop Lal Manjhi, Son of Late Sh. Shivaji Manjhi R/O 86/b Sector-I Pushp Vihar, M.B. Road, New Delhi.
19. Shri Mehar Chand Son of Sh. Chet Ram, Resident of Office of the Asstt Engineer (E). CCW: AIR: Akashwani Bhawan, New Delhi.
20. Sh. M.M. Sharma, Son of Sh. B.L. Sharma, Resident of RZ-/172 Mahabir Enclave , Palam New Delhi-45.
21. Sh. Amar Nath, Son of Sh. Bhikha Ram, R/O RZE 673/11, Gali no 20, Sadh Nagar Palam Colony, New Delhi-45.
22. Sh. Chandra Dev Mehta, Son of Sh. Babu Lal R/O H.No G-21 Sector-4 Raja Bazar, Gole Market, New Delhi-1.
23. Sh. Mehinder Pathak Son of Shri (Late) Hardwari Lal Pathak R/O G-94 Mohan Garden Uttam Nagar, New Delhi.

3

24. Sh. Pyare Lal s/o Sh. Tirkha Ram R/o H.No. 335 Sector 3 M.B. Road, Pushp Vihar, New Delhi.

25. Sh. Seran Singh S/o Sh. Saiv Singh R/o H-13, Saurabh Vihar, Hari Nagar New Delhi (Lalitpur Road).

26. Sh. Munni Lal, S/o Sh. Ram Pyare, R/o 2297 Lodhi Complex, N.Delhi

27. Sh. M.P. Gupta, S/o Sh. Mahavir Gupta R/o 247A Rishi Nagar Rani Bagh, Delhi.

28. Sh. R.Y. Verma, S/o Sh. S.C. Verma R/o Office of Asstt. Engineer C.C.W. (E) Akashwani Bhawan, New Delhi-

29. Sh. Bharat Singh S/o Sh. Paras Ram R/o Office of Asstt. Engineer (E) C.C.W. Akashwani Bhawan ,New Delhi.

30. Sh. Ram Vichar, S/o Sh. Ram Ayodhya R/o 46-F Ram Bagh New Delhi.

31. Sh. Swadesh Chand, S/o Sh. Sukh Lal R/o F-519, Gali No.17, Chand Bagh Colony Delhi-94.

32. Sh. Jagpal Singh S/o Sh. Bharat Singh R/o HNO.170/Ist M.B. Extn, Badarpur New Delhi.

33. Sh. V.R. Tyagi, S/o Sh. Bhakir Chand Tyagi R/o HNO. 160 Prem Nagar, New Delhi.

34. Sh. Jawahar Ram, S/o Sh. Churahu Ram R/o 2/6-B, Rajapuri Uttam Nagar ,New Delhi.

35. Sh. Chander Pal S/o Sh. (Late) Aira Jatav R/o H.No. 1/3680, Dakkhana Gali, Ram Nagar Vista Shahdara Delhi-32.

36. Sh. Shatrughan S/o Late Sh. Ramanand R/o WC-112, Netaji Nagar, New Delhi.

37. Sh. Shanker Prasad, S/o Late Sh. Kuldip R/o HNO. 330 Sector-3, M.B. Road Pushp Vihar, New Delhi.

38. Sh. Dharam Vir Singh S/o Sh. Ganga Ram R/o RZ-145 'V' Block 'C' Sec. Bhagwati Vihar Uttam Nagar New Delhi-59.

39. Sh. Ram Singh S/o Sh. Matthi Ram R/o Sector 3 Q.No. 715 M.B. Road Saket New Delhi.

40. Sh. Sita Ram S/o Sh. Viswanath Verma R/o Q.No. 27/315, Prem Nagar Lodi Road New Delhi -3.

41. Sh. V.K. Gupta S/o Sh. Jai Bhagwan Gupta R/o A/345/1, Shastri Nagar Delhi-52.

42. Sh. Manjit Singh S/o Sh. M.C. Singh R/o Office of Asstt Eng. (E) C.C.W. A.I.R. Akashwani Bhawan New Delhi-1

43. Mahipal Singh S/o Shri Gabber Singh
R/o Q.No.39, IIInd Floor Sect.
Timarpur, Delhi

44. Sh. Ram Phal S/o Shri Bhundu Ram,
R/o Q.No.910, Sector-7, R.K. Puram
New Delhi

45. D.D. Sharma S/o Shri Bhooder Prasad
R/o E-190, Jalvihar Colony,
Najaf Garh, New Delhi-43

....Applicants

(By Advocate: Shri T.C. Aggarwal)

Versus

1. Secretary
Ministry of Information and Broadcasting,
Shastri Bhawan, New Delhi-1

2. The Director General
All India Radio
Parliament Street, Akashwani Bhawan,
New Delhi.

3. The Chief Engineer,
Civil Construction Wing,
6th Floor, Soochna Bhawan,
New Delhi

....Respondents

(By Advocate: Shri M.M. Sudan)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The controversy in the present case is within a narrow compass.

2. The applicants are Group 'C' employees. They got arrears of pay in a lumpsum. The respondents while paying the arrears of the salary made a lumpsum deduction from the same taking it as the income from one financial years.

3. The applicants, by virtue of the present application, seek that payment should be made calculating their income yearwise with arrears because according to them, it is the obligation of the respondents to get a

(Signature)

refund and give certificate in this regard.

4. The basic facts have not been disputed. However the difficulty pointed was that once the deduction has been made, the refund can only be given by the Income Tax Department.

5. Keeping in view that the facts were not in controversy, we direct that respondents will re-calculate the income of individual applicants with arrears of each year. The applicants would thereupon fill up necessary form 10-E which can be verified with factual position by the respondents and forwarded to the Income Tax authorities for doing the needful in the matter. O.A. is disposed of.


(S.A. Singh)

Member (A)


(V.S. Aggarwal)
Chairman

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