

**BY SPEED POST/RTI MATTER**

**F.No.A-26011/149/2018-Ad.IIA  
Government of India  
Ministry of Finance  
Department of Revenue  
Central Board of Indirect Taxes & Customs**

North Block, New Delhi,  
Dated the 19<sup>th</sup> February, 2020.

To,

Shri Amit Kumar Gupta,  
1/4, Rajendra Banerjee Road,  
Behala, Kolkata – 700034.

Subject - Information sought under RTI Act, 2005, by Shri Amit Kumar Gupta - regarding.

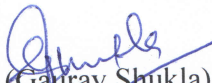
Sir,

Please refer to your RTI applications dated 26.01.2020 registered vide Registration No. CBECE/R/T/20/00177 & Registration No. CBECE/R/T/20/00178 which was received in this Section under transfer from DoP&T under RTI Act, 2005. In the said RTI you are seeking information related to the case of Shri P. Ayyamperumal.

2. As per the information available in this Section, it is informed that in the matter of P. Ayyamperumal's case, DoP&T has informed that Department of Legal Affairs observed that it is very clear that the judgement of the Hon'ble High Court of Madras passed in the matter of Shri P. Ayyamperumal is in personam and not in rem. A copy of the implementation order issued by CBIC is enclosed.

3. In case you are not satisfied with this reply, you may prefer an appeal within 30 days to Shri Rajendra Kumar, DS- (Ad.IIA&B) and 1<sup>st</sup> Appellate Authority, Ministry of Finance, Department of Revenue, Room No.274-A (Second Floor), North Block, New Delhi-110 001, Tele. FAX No: 011-23093102.

Yours faithfully,

  
(Gaurav Shukla)

CPIO & Under Secretary to the Govt. of India

F. No. A-23011/36/2013-Ad.IIA  
Government of India  
Ministry of Finance  
Department of Revenue  
Central Board of Indirect Taxes and Customs

North Block, New Delhi,  
Dated the 30<sup>th</sup> August, 2019.

To

The Additional Director General,  
Directorate General of Performance Management, CGST & Customs,  
South Regional Unit, 617, Bharat Kumar Bhavan,  
3<sup>rd</sup> Floor, Anna Salai, Thousand Lights,  
Chennai- 600006

**Subject: C.P. No. 1875/2018 in WP No. 15732/2017 in the matter of Sh P. Ayyamperumal-reg.**

Sir,

I am directed to refer to your office letter C.No. I/10/2/2015-SRU dated 06.08.2019 vide which it has been informed that the above contempt petition came up for hearing on 12.07.2019 and the petition has not come up for further hearing yet. It was further informed that the counsel has intimated that "As the special bench is hearing, the contempt petition was adjourned without assigning any date and matter will be posted for hearing at any time". It was also informed that the learned ASG has also advised the Department to either comply with the order or to get stay order from the Hon'ble Supreme Court before the next hearing as the matter will be posted for hearing at any time.

2. In this regard, it is informed that the subject R.P.(C) No. 1731/2019 filed against Supreme Court's Order dated 23.07.2018 in SLP (C) No. 22283 of 2018 in the case of Shri P. Ayyamperumal has been dismissed by the Hon'ble Supreme Court vide its Order dated 08.08.2019 (copy enclosed).

3. Since the apex court has dismissed the review petition of the department, no legal recourse seems available and the Order dated 15.09.2017 of the Hon'ble High Court of Madras in WP No. 15732/2017,



AKG

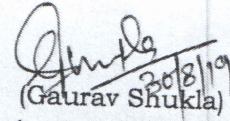
directing to grant one notional increment to petitioner retiring on 30<sup>th</sup> June for the purpose of pensionary benefits needs to be implemented.

4. In view of the above, the competent authority has decided to implement the Order dated 15.09.2017 of the Hon'ble High Court of Madras in WP No. 15732/2017, directing to grant one notional increment to petitioner retiring on 30<sup>th</sup> June for the purpose of pensionary benefits *in personam* for petitioner only to avoid the contempt proceedings, which would not be quoted as precedent in future.

5. This issues with the approval of Chairman, CBIC.

Yours faithfully,

**Encl:** As above

  
(Gaurav Shukla)  
2018/19

Under Secretary to the Govt. of India  
Tele: 011-23095528

Copy to:-

1. Sh. Rajeev Bahree, Under Secretary, DoP&T with reference to their O.M. No. 1337628/2018-Estt.(Pay-I) dated 28.08.2019.
2. The Director General, Directorate General of Performance Management, CGST & Customs, 5<sup>th</sup> Floor, D-Block, Drum Shape Building, I.P. Bhawan, I.P. Estate, New Delhi-110002, in reference to their letter F.no. 1040/24/2015/1711 dated 19.06.2019 for information and necessary action.