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**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.**

O.A.No.133/2020

Date of decision : 06th February, 2020.

**Coram: Dr.Bhagwan Sahai, Member (Administrative)
R.N. Singh, Member (Judicial).**

Shri Suresh Jotiba Lande,
Age 56 years,
Working as Foreman in Naval
Dockyard Mumbai, Residing at-
23/21 Kanchangauri Apartment,
Sector 02, Charkop, Kandivli (W),
Mumbai-400 067.

.. Applicant.

(By Advocate Shri Vicky Nagrani).

Versus

1. Union of India, through
The Secretary to Govt. Of India
Ministry of Defence, South Block,
New Delhi-110 011.
2. The chief of Personnel,
Integrated headquarter of MoD (Navy)
109, D-II Wing, Sena Bhawan,
New Delhi-110011.
3. The Admiral Superintendent,
Naval Dockyard Mumbai,
Lion Gate, Mumbai-400 023.

.. Respondents.

O R D E R (O R A L)Per : R. N. SINGH, Member (JUDICIAL)**Present.**

1. Shri Vicky Nagrani, learned counsel for the applicant.

2. Heard the learned counsel for the applicant.

3. The applicant has filed the present OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"8.1 The Hon'ble Tribunal may kindly direct the Respondent no.2 to obtain clarification/ confirmation from the competent authority i.e. Ministry of Defence (Respondent-1) whether the classification of merged post Foreman as per MoD order dated 05.05.2010 (Annexure A-1) is Group 'B' Gazetted or Non-Gazetted, within a period of 08 weeks. And a copy of the same may be provided to the applicant.

8.2 The Hon'ble Tribunal may kindly hold any other decision as deemed fit as per the circumstances of the case."

4. The learned counsel for the applicant contends that for redressal of his grievances, raised in the present OA, the applicant has preferred a representation dated 05.10.2017 (Annexure A-6) to the respondent no.3 who interYUCA L

has sought the necessary clarification/approval from the respondent no.2 vide their letter dated 30.10.2017 (Annexure A-7).

5. The learned counsel for the applicant submits that inspite of the aforesaid, till date no final decision ~~has~~ been taken by the respondents on his aforesaid representation.

6. Shri Vicky Nagrani, learned counsel for the applicant submits that the applicant shall be satisfied if the OA is disposed of at this very stage with directions to the respondents, more particularly the respondent no.2 and 3 to consider the applicant's aforesaid representation and their letter dated 30.10.2017 and to take a final decision on the applicant's representation dated 05.10.2017.

7. We are of the considered view that if such request of the applicant is accepted no prejudice is likely to be caused to the respondents.

8. In view of the above, without going into the merit of the claim of the applicant, we dispose of the OA with directions to the respondents no. 2 and 3 to consider the

applicant's pending representation dated 05.10.2017 (Annexure A-6) and dispose of the same by passing a reasoned and speaking order within 10 weeks from the date of receipt of a certified copy of this order.

9. In view of the above, pending MA also stands disposed of.

10. No order as to costs.

(R. N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

v.

JP
12/10/2020