

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 2648/97

New Delhi, this the 12th day of August, 1998

HON'BLE SHRI T.N. BHAT, MEMBER (J)
HON'BLE SHRI R.K. AHOOJA, MEMBER (A)

In the matter of:

Shri R.P. Sharma, aged about 53 yrs.

S/o late Shri K.R. Sharma,

R/o A-23/2, S.F.S. Flats,

Saket, New Delhi - 110017.

(By Advocate: Sh. Surinder Singh)

.... Applicant

Vs.

1. Union of India through

The Scientific Adviser to
Ministry of Defence & OGR&O,
Ministry of Defence,
South Block, D.H.Q. Post Office,
New Delhi - 110011.

2. The Director,

D.I.P.A.S.,

Lucknow Road,

Timarpur,

Delhi - 110054.

(By Advocate: Sh. K.C.D. Gangwani)

..... Respondents

O R D E R (ORAL)

delivered by Hon'ble Shri T.N. Bhat, Member (J)

We have heard the learned counsel for final disposal of the OA at the admission stage itself.

2. The applicant in this OA seeks the following reliefs:-

- (a) scrapping of DRTC Scheme.
- (b) reviving ACP under DRDS to checkmate supersession.
- (c) Declub Scientific Assistant and JSO in the Ministry of Defence.

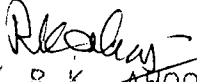
3. According to the applicant the aforesaid scheme has created certain anomalies and that is why the Vth Pay Commission has in its recommendation referred to the scheme and has recommended some modifications thereto.

4. The learned counsel for the respondents refer to a judgment of the Bangalore Bench of the Tribunal in OA Nos. 87/96 and 116 to 142/96 and OA No. 425/96 and 438 to 468/96. The common judgment in all the aforesaid OAs was delivered on 26.7.96. Mr. Gangwani states that in those OAs also the aforesaid scheme had been assailed but the Bangalore Bench of the Tribunal upheld the vailidity and correctness of the aforesaid scheme. We have gone through the copy of the judgment made available by the learned counsel for the respondents and find that it does not make any mention of the recommendation of the Vth Pay Commission. That is so obviously because the Pay Commission's report had not come at the time of disposal of the aforesaid OAs. This subsequent development has to be taken into account.

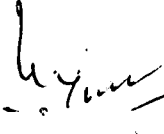
5. The learned counsel for the applicant has taken us through the relevant recommendations of the Vth Pay Commission under paras 63.283 to 63.286. We do find certain recommendations made by the Vth Pay Commission recommending modifications in the DRTC scheme. The grievance of the applicant is that these recommendations have not been acted upon by the respondents.

6. In the facts and circumstances of the case stated above, the only order that can be passed in this OA and which we do hereby pass is to direct the respondents to take a decision in the matter within a period of 6 months from the date of receipt of copy of this order and to communicate the same to the applicant. The respondents while taking the decision will consider the recommendations of the Vth Pay Commission referred to above. If the applicant still feels aggrieved it shall be open to him to work out his remedy as advised.

7. With the above order, the OA is disposed of, without any order as to costs.


(R.K. AHOQJA)
Member (A)

sd


(T.N. BHAT)
Member (J)

12.8.98