

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. No.1004 of 1997

(20)

New Delhi, dated this the 5<sup>th</sup> JUNE 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Dr. P.S. Krishna Mohan Rao,  
Scientist E-2,  
Central Road Research Institute,  
Mathura Road,  
New Delhi-110020.

.... APPLICANT

(By Advocate: Shri P.K. Behl)

Versus

1. The Director General,  
CSIR, Anusandhan Bhawan,  
Rafi Marg, New Delhi.
2. The Director,  
C.R.R.I.,  
Mathura Road, New Delhi-20.
3. Sr. Controller of Admn.,  
C.R.R.I.,  
Mathura Road,  
New Delhi-110020.
4. Mr. G.K. Vij,  
Scientist E-1,  
Instrumentation Div.,  
C.R.R.I.,  
Mathura Road,  
New Delhi-110020.

.... RESPONDENTS

(By Advocate: Shri V.K. Rao)

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant impugns respondents' O.M. dated 19.11.96 (Ann. II) refixing his salary by vacating their earlier orders stepping up his salary to that drawn by Shri G.K. Vij Respondent No.5 w.e.f. 1.2.86.

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2. We have heard applicant's counsel Shri Behl and official respondent's counsel Shri V.K. Raod and R-5's Shri Vij was also present and has been heard.

3. We note that pursuant to the impugned order applicant represented on 16.12.96 upon which the matter was placed before R-1 (DG CSIR). As the matter of refixation of applicant's pay is bound up with his position in the priority list for allotment of a Type E quarter in the relevant pool, applicant was informed on 10.2.97 (Ann. XXXII to his own rejoinder) that the status quo had been ordered to be maintained by R-1 for one month to enable applicant to make a representation to him and he was advised to do so at the earliest.

4. Applicant has not denied in rejoinder, official respondents' contention in Para 3 of their reply that he represented on 7.3.97, which representation is being processed, and on which no final orders have been passed, but without waiting for the same applicant has filed this O.A.

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5. In view of the above, this O.A. is clearly premature. Official Respondents in Para 3 of their reply have contended that applicant's representation addressed to DG CSIR is time barred, but as they themselves by their Memo dated 10.2.97 called upon applicant to represent to R-1, which applicant did on 7.3.97, respondents cannot legally describe the representation as premature.

6. We dispose of this O.A. with a direction to Respondent No.1 to dispose of applicant's representation dated 7.3.97 after giving him a reasonable opportunity of being heard in person, by a detailed, speaking and reasoned order on merits in accordance with rules and instructions within two months from the date of receipt of a copy of this order under intimation to him. After disposal of applicant's aforesaid representation, respondents will consider the claims of the various officers for allotment of the Type E quarter said to be vacant (in respect of which the status quo was ordered to be maintained vide interim orders passed on the first date of hearing) and pass appropriate orders in accordance with rules and instructions. Till the aforesaid orders are passed by respondents in respect of aforementioned Type E quarter, the status quo shall continue.

7. If any grievance still survives it will be open to the applicant to agitate the same through appropriate original proceedings in accordance with law if so advised.

8. This O.A. is disposed of in terms of Paras 6 & 7 above. No costs.

Lakshmi Swaminathan

(Mrs. Lakshmi Swaminathan)  
Member (J)  
/GK/

Adige

(S.R. Adige)  
Vice Chairman (A)