

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 718
T.A. No.

198 9.

DATE OF DECISION 20.9.89

Shri K.C. Aggarwal, Applicant (s)

Shri Shyam Moorjani, Advocate for the Applicant (s)

Versus

Union of India & Ors. Respondent (s)

Shri P.H. Ramchandani, Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P. Srinivasan, Administrative Member.

The Hon'ble Mr. T.S. Oberoi, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? No
4. To be circulated to all Benches of the Tribunal ? No

JUDGEMENT (ORAL)

(Judgement of the Bench delivered by Hon'ble
Shri P. Srinivasan, Administrative Member).

This application has come up before us for admission today with notice to the respondents. Shri Shyam Moorjani, Counsel for the applicant and Shri P.H. Ramchandani, Counsel for the respondents have been heard.

2. In this application, the applicant prays for a direction to the respondents to place him in the senior scale of Class I in the Indian Defence Accounts Service with effect from 4.1.1983. We find that the applicant has made a representation to the authorities in this regard on 28.1.1988 to which he has not received any reply. Shri Moorjani submits that a similar matter is pending in a Letters Patent Appeal before the DB in the Delhi High Court and in another OA-57/88 before this Tribunal. This is a policy matter in which the respondents have to take a clear decision as to whether a person promoted to Class I should be placed in the senior scale of Class I. Therefore, it is incumbent on the respondents to give a reply to the applicant's representation dated 28.1.1988 and

P. S. Oberoi

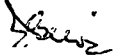
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before they do so, we feel that is pre-mature
for us to examine the issue.

3. In the light of the above, we direct the respondent No.3 to whom the said representation dated 28.1.1988 has been made to consider the claim made therein and to give a reply thereto on merits within three months from the date of receipt of this order. If the decision goes against the applicant, the applicant will always be free to approach this Tribunal in accordance with the law.

4. The application is disposed of at the admission stage itself on the above terms leaving the parties to bear their own costs. A copy of this order be handed over to the learned counsel for the applicant as soon as it is signed by us.


(T.S. Oberoi)
Member (Judl.)


(P. Srinivasan)
Member (Adm.)