

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO.186 OF 2004

New Delhi, this the 23rd day of January, 2004

HON'BLE SHRI SARWESHWAR JHA, ADMINISTRATIVE MEMBER

Shri Ajay Kumar Singhal  
S/o Shri C.P. Singhal  
G-144, Sanjay Nagar,  
Sector 23, Ghaziabad (U.P.).

.....Applicant

(By Advocate : Shri C.L. Dhawan)

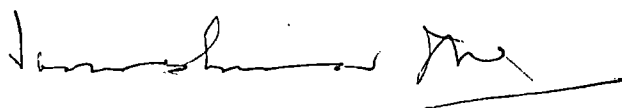
Versus

1. The Comptroller & Auditor General of India  
10, Bahadurshah Zafar Marg,  
New Delhi-110002.
2. Principal Director of Commercial Audit and  
Ex-Officio Member,  
Audit Board-II  
'A' Block, I.P. Bhawan, I.P. Estate,  
New Delhi-110002.
3. Union of India  
through its Secretary,  
Ministry of Personnel  
(Public Grievances & Pensions)  
North Block, New Delhi-110001.

.....Respondents

ORDER (ORAL)

Heard learned counsel for the applicant, who has approached this Tribunal with this OA against the order of the respondents dated 5.9.2002 (Annexure-A-8). The applicant has submitted that his case is similarly placed as the one already decided by the Central Administrative Tribunal, Hyderabad Bench in OA 678/1996 in which it had been ordered that the orders of the respondents dated 24.1.1996 regarding payment of lump sum in lieu of two advance increments shall have only prospective effect and will come into force only from that date onwards. A mention has also been made by the applicant that a similar view was held by the Central Administrative Tribunal, Principal Bench in May, 1999 in OA 79/1998. However, it appears



that the respondents have not considered the case of the applicant simply because the decision of two Benches of the Tribunal, as referred to above, have been given in the case of the respective applicant only and the case of the applicant does not seem to have been given any consideration on the ground of merit of his case.

2. It is observed that the respondents, while considering the reference of the department dated 24.1.1996 in which the case of the applicant had been recommended, giving the facts of the matter, but the same has not been considered by the respondents with reference to the decision of the Tribunal as referred to hereinabove and that they have taken a simplistic stand that the decision of the Tribunal in the said case was not applicable to the applicant. This position taken by the respondents appears to be absolutely unreasoned.

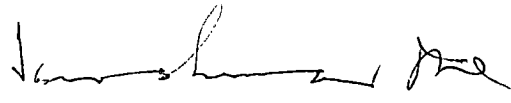
3. Under these circumstances, having regard to the facts of the case, I am of the considered opinion that the appropriate course at this stage would be to dispose of this OA at the admission stage without issuing notice to the respondents with a direction to them that they reconsider the matter on merit verifying the facts of the matter with reference to the decisions given by the Tribunal in the OAs mentioned above, and after checking whether the case of the applicant is similarly placed, dispose it of on

*Santhosh Kumar*

the same lines as has been done in the cases of the applicants in OAs mentioned above, by issuing a reasoned and speaking order within a period of two months from the date of receipt of a certified copy of the present order. Order accordingly. The impugned order dated 5.9.2002 (Annexure A-8) shall in the result be kept in abeyance till the matter is reconsidered and disposed of as directed above.

4. With this, the present Original Application is disposed of at the admission stage itself.

DASTI.



(SARWESHWAR JHA)  
ADMINISTRATIVE MEMBER

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