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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 1358/2004

New Delhi, this the 4<sup>th</sup> day of January, 2005

Hon'ble Mr. Justice M.A. Khan, Vice-Chairman (J)  
Hon'ble Mr. S.K. Malhotra, Member (A)

Mond. Suleman  
R/o 135/3, R.A. Bazar,  
Meerut Cantt.,  
Meerut, U.P.

...Applicant

(By Advocate Shri U.S. Bisht)

Versus

1. Union of India,  
through Secretary,  
Ministry of Defence,  
South Block / Sena Bhawan,  
New Delhi - 110 011.
2. Engineer-in-Chief's Branch,  
DHQ PO, Kashmir House,  
New Delhi - 110 011.
3. CWE, Meerut,  
The Mall, Meerut Cantt.,  
Meerut, U.P.
4. Garrison Engineer (South)  
Meerut Cantt.,  
Meerut, U.P.

...Respondents.

(By Advocate Shri R.N. Singh)

**ORDER (ORAL)**

Mr. Justice M.A. Khan, Vice-Chairman (J):

This OA is filed by the applicant, who is Caneman, working with respondents' nos. 2-4, for the upgradation of his pay scale to the skilled grade and consequential benefits from the same date from which similar upgradation was done in respect of the applicants in OA 804/98 decided on 15.9.2000 (Annexure-A1 to the OA).

2. At the hearing, learned counsel for the respondents has stated that in the counter reply to the OA, the respondents have fairly averred that a representation

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made by the applicant for upgradation of the pay scale is pending for consideration with the respondents. He has submitted that this OA may be disposed off by giving reasonable time to the respondents to decide upon the representation.

3. Learned counsel for the applicant agrees to this suggestion but has stated that already one year has been passed since that representation was made to the respondents. He has requested that an early date may be given to the respondents for deciding upon the question raised in the representation. He has also stated that he may also be allowed to approach this Tribunal again, if necessary, after the representation is decided by the respondents. He has also submitted that the applicant was a person similarly placed as were the applicants in OA 804/98 decided on 15.9.2000 (Annexure A-1 to the OA) and CWP 1054/2000 decided by the Hon'ble Delhi High court on 25.7.2002 (Annexure A-2) and he is entitled to the same benefit as was given to those applicants. Learned counsel for the respondents has submitted that the representation of the applicant was already under consideration and it requires policy decision which the respondents will take in the matter.


4. In view of the contentions raised in the petition, the earlier decisions of the Tribunal and the Hon'ble Delhi High Court and the submissions made at the Bar today, we are of the considered view that we need not go into the merit of the case at this stage. We dispose off this OA directing the respondents to decide upon the representation of the applicant dated 5.1.2004 (Annexure A-4 in OA) within a period of three months from the date on which a copy of this order of Tribunal is received by the respondents. The respondents shall take into consideration the judgement of this Tribunal dated 15.9.2000 rendered in OA 804/98 and the judgement of the Hon'ble Delhi High Court in CWP 1054/2000 dated 25.7.2002 (Annexure A-1 and A-2 to the OA) while taking a decision in the matter. We leave it open to the applicant to approach this Tribunal again, if

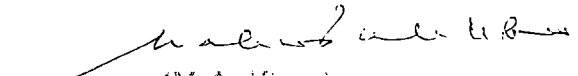


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necessary, after the respondents have decided upon his representation. The <sup>4</sup> ~~decision~~ <sup>representation</sup> taken should be communicated to the applicant.

5. The OA stands disposed of with the above directions.

  
(S.K. Mahotra)  
Member (A)

  
(M.A. Khan)  
Vice-Chairman (J)

15/11/11