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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 21ST DAY OF MAY, 2003

Original Application No.1379 of 1996

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Pramod Kumar Tewari, a/a 53 years
Son of Shri Siddhan Lal Tewari,
Resident of 124-E/47, Govind
Nagar, Kanpur, presently working as
Assistant Foreman, Senior Quality
Assurance Establishment (General Stores)
Cantt., Kanpur.

... Applicant

(By Adv: shri Manoj kumar)

Versus

1. Union of India through the
Secretary, Ministry of Defence,
Department of Defence Production
Government of India, New Delhi.
2. Director General of Quality
Assurance, D.H.Q, P.O. New Delhi.
3. Director of Quality Assurance (Stores)
D.H.Q, P.O. New Delhi.
4. The Senior Quality Assurance
Officer, Senior Quality Assurance
Establishment (General Stores)
Cantonment, Kanpur.

... Respondents

(By Adv: Shri Satish Chaturvedi)

O R D E R (Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicant has prayed for grant of three advance increments and pay fixation accordingly, in view of the Presidential order dated 4.2.1969 (Annexure A-1). The applicant's claim is that he was serving in the department of Defence Production, Government of India as Assistant Foreman (Technical).



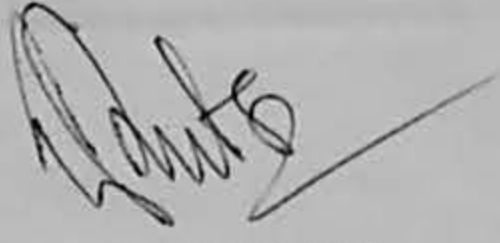
Applicant was promoted as Chargeman Grade II in the year 1980. He was further promoted as Chargeman Grade I in the year 1986. During this period applicant acquired the degree of B.E.(Mechanical) in the year 1982 and thus in view of the Presidential order dated 4.2.1969 applicant became entitled for payment of three advance increments but the benefit was not given to the applicant though he made several representations. Last such representation was made on 18.7.1995(Annexure 6). The learned counsel for the applicant submitted that similar claim of other employees was accepted by judgment of Andhra Pradesh High court and Bangalore bench of this Tribunal. Learned counsel for the applicant has also submitted that the benefit has been denied to the applicant^{only} on the ground that they were not applicants in the petitions in which the judgments were granted. In our opinion, the benefit cannot be denied to the applicant on this basis. If the Presidential order was applicable and applicant satisfied^{by} the ingredients he is entitled for the benefit. As the applicant has already attained the age of superannuation in our opinion, the ends of justice will be served if the respondent no.2 is directed to decide the representation of the applicant in accordance with the judgment of A.P.High court and the judgment of Bangalore bench of this Tribunal as well as the order of Hon'ble Supreme court dismissing SLP and grant benefit to the applicant in accordance with the Presidential order dated 4.2.1969. The applicant will be entitled for fixation of pay and revision of pension and other post retiral benefits.



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The OA is disposed of finally with the direction to respondent no.2 to decide the representation of the applicant in the light of the directions given above. the representation shall be decided within a period of four months from the date a copy of this order is filed before respondent no.2. No order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: 21st May, 2003

Uv/