

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.371 OF 2001
ALLAHABAD THIS THE 16TH DAY OF February, 2009

HON'BLE MR. JUSTICE A. K. YOG, MEMBER-J
HON'BLE MR. S. N. SHUKLA, MEMBER-A

Mahabir Prasad Son of Shri Chheda Lal,
Aged about 47 years R/o II/21 CIRG Campus,
Central Institute for Research on Coats
(C.I.R.G.) Makhdoom, P.O. Farah Mathura.

.....Applicant

By Advocates: Shri Azad Rai
Shri K.P. Singh

Versus

1. Union of India
through Secretary,
Ministry of Agriculture,
New Delhi.
2. Secretary
Indian Council of Agricultural Research,
(I.C.A.R.) Krishi Bhawan,
New Delhi.
3. Director, C.I.R.G. Makhdoom,
P.O. Farah, District-Mathura.
4. Deputy Secretary (A)
I.C.A.R. New Delhi.

.....Respondents

By Advocates: Shri N. P. Singh
Shri B.B. Sirohi

ORDER

DELIVERED BY JUSTICE A. K. YOG, MEMBER-J

1. Heard Shri K.P. Singh, Advocate on behalf of applicant. Statement made at Bar that Shri N.P. Singh Advocate, whose name appears as counsel for the respondents, is now not conducting the case, and it has already been transferred to another counsel. Shri B.B. Sirohi Advocate appears on behalf of Respondent no.3. He has sent illness slip. This is an old case.

[Signature]

Order sheet shows that case has been repeatedly-practically without break-adjourned on several occasions on this ground or the like ground. We proceed to decide OA on merit. Perused the pleadings and the documents annexed therewith.

2. Applicant has filed above O.A. with a prayer to quash order dated 31.01.2001/Annexure-1 by means of which his request for revised pay scale has been rejected. According to this impugned order has been denied the benefits of revised pay scale on the ground that he was appointed on the post of Senior Computer in the pre revised (pay scale of Rs.330-560) and which offer he accepted in that scale. This reasoning does not prima facie stand to reason. If scale is revised in future, benefit ought to accrue to existing incumbents. Respondent authorities have disclosed no ground/material (in the impugned order) to deny it to the Applicant. The impugned order however, refers to 'Five Yearly Assessment System' only and not to revised pay scale.

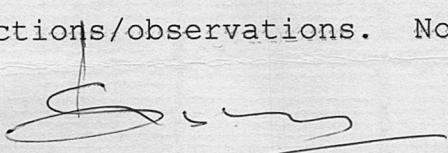
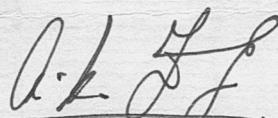
3. From the pleadings in the OA and the documents annexed therewith (particularly compilation II), it is clear that the applicant has already approached concerned authorities for redressal of his grievance on various counts. In this connection, we may refer to his representation dated 9.9.1993/Annexure-12, 22.4.1996/Annexure-14, and 5.10.1999/Annexure-17. Impugned order/s do not refer to the specific

Ans.

grievance of the applicant-mentioned in the said representations.

4. In view of above discussion, impugned order cannot be sustained. The impugned order dated 30.01.2001 is hereby set aside with a direction to the applicant to file a comprehensive point wise representation raising his grievance intelligibly within six weeks from today along with certified copy of this order before respondent no.2/Secretary, Indian Council of Agriculture Research, New Delhi, who is directed to decide the said representation, provided representation is filed as stipulated/contemplated above, within two months of receipt of representation (referred to above) by passing a reasoned/speaking order in accordance with law exercising unfettered discretion since we have not entered into the merits of the issues raised in the OA.

5. OA stands allowed subject to above directions/observations. No Costs.


Member-A
Member-J

/ns/