

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

HON'BLE MR.A.K. GAUR , MEMBER (J).

HON'BLE MRS. MANJULIKA GAUTAM, MEMBER (A)

Original Application Number. 1493 OF 2004.

ALLAHABAD this the 25th day of **May, 2009.**

1. Girish Chandra, aged about 64 years, S/o Late Daya Shankar, resident of 196/K/9M/1M, Kalindipuram, Allahabad.
2. S.N. Pandey, aged about 66 years, S/o Late D.R. Pandey, r/o Vill. & P.O. Sirathu, Distt. Kaushambi.
3. Alok Sharma, aged about 68 years, S/o Late Satyawar Sharma, r/o EWS 3/554, AVP Colony-3, Jhansi, Allahabad.
4. R.S. Sharma, aged about 68 years, S/o Late K.N. Sharma, r/o EWS-856, Awas Vikas Colony, Yojna-3, Jhansi, Allahabad.
5. U.S. Vishwakarma, aged about 69 years, S/o Late R.P.L. Vishwakarma, r/o Vill. & P.O- Ram Nagar, Allahabad.
6. R.C. Shukla, aged about 63 years, s/o Late R.D. Shukla, r/o 106/1-A, Phulwaria Road, Daraganj, Allahabad.
7. G.C. Lal, aged about 66 years, s/o Late K.C. Lal, r/o 290, K.L. Kydganj, Allahabad.
8. A.P. Shukla, aged about 66 years, S/o Late Hargovind Shukla, r/o Vill. Nibaiya, P.O. Meja Road, Allahabad.
9. O.P. Kapil, aged about 66 years, S/o Late N.B. Kapil, r/o 141-E/10, Rajrooppur, Allahabad.
10. M.P. Srivastava, aged about 70 years, s/o Late R.C. Prasad Srivastava, r/o 23/41, M/1, Ramanand Nagar, Allahpur, Allahabad.
11. V.K. Srivastava, aged about 64 years, S/o Late J.P. Srivastava, r/o MIG-1/153, Avas Vikas Colony, Yojna-3, Jhansi, Allahabad.
12. V.K. Shukla, aged about 63 years, s/o Late B.N. Shukla, r/o 449-C, Shivaji Nagar, Allahpur, Allahabad.
13. N.R. Mishra, aged about 65 years, s/o Late Ramanugrah Mishra, 1K/26, Rajrooppur, Allahabad.

.....Applicants.

✓

VERSUS

1. Union of India through the Secretary, Ministry of Finance (Department of Expenditure), New Delhi.
2. The Financial Advisor, Ministry of Defence (Finance), New Delhi.
3. The Controller General of Defence Accounts, West Block-V, R.K. Puram, New Delhi.
4. The Principal Controller of Defence Accounts (Pension), Draupadighat, Allahabad.

.....Respondents

Advocate for the applicants: Sri H.S. Srivastava
Sri S.K. Mishra
Advocate for the Respondents : Sri S.C. Mishra

ORDER

(Delivered by Hon'ble Mr. A.K. Gaur, J.M.)

Learned counsel for the applicants invited our attention to letter dated 20.10.1995 issued by respondent No. 3 and submitted that 88 SGAs, who were junior to the applicants, were granted special pay of Rs. 35/- without being transferred out and no option as required under letter dated 05.05.1984 for their willingness or otherwise to go on transfer to get the benefit of the special pay, as was asked for from the applicants, was obtained. Grievance of the applicant in the instant case is that the applicants were denied the benefit of special pay of Rs. 35/- because of they were not willing to go on transfer and uproot their family for Rs. 35/- only. Learned counsel for the applicants would further contend that the applicants were discriminated and treated differently by the respondents ignoring their seniority. Learned counsel for the applicants further submitted that against the arbitrary and discriminatory action of the respondents, the applicants ^{have} already preferred representation before the competent authority. Learned counsel for the applicant also very fairly submitted that most of the applicants have already been superannuated and only one or two persons are available at Allahabad.

2. Having heard Sri H.S. Srivastava, Advocate and Sri S.K. Mishra, Advocate, learned counsel for the applicants and Sri S.C. Mishra, learned counsel for the respondent, we are firmly of the view that grievance of the

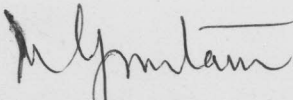
✓

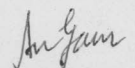
applicants might be redressed in case a direction is given to the applicant/s to prefer a detailed and exhaustive representation before Controller General of Defence Accounts, West Block-V, R.K. Puram, New Delhi /respondent No. 3.

3. Accordingly we hereby direct the applicant/s to file a certified copy of this order alongwith detailed representation before Controller General of Defence Accounts, West Block-V, R.K. Puram, New Delhi/respondent No. 3 within two weeks from the date of receipt of certified copy of this order and the said authority shall consider and decide the same by a reasoned and speaking order meeting all the contentions raised by the applicant/s in their representation, within a period of three months on receipt of certified copy of the order, as contemplated above, in accordance with relevant rules and communicate the decision to the applicant/s forthwith.

4. With the aforesaid directions, the O.A is disposed of finally with no order as to costs.

Be it noted that we have not passed any order on merits of the case.


MEMBER- A.


MEMBER- J.

/Anand/