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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Original Application 114 of 2005

Allahabad this the 14th day of February 2005

Hon'ble Mr. Justice S.R. Singh, V.C.
Hon'ble Mr. S.C. Chaube, Member(A)

N.N. Shukla, aged about 61 years, Son of Late V.N. Shukla, Resident of 33/1 D/8
Rampriya Road, Near Chhota Baghara, Allenganj, Allahabad.

Applicant

By Advocate Shri Swayambar Lal

Versus

1. Union of India through Secretary, Ministry of Defence, Government of India, New Delhi.
2. Director General E.M.E. (E.M.E.-Civ), Army Head Quarter D.H.Q. P.O. New Delhi-110011.
3. Commander Headquarters Base Workshop Group, E.M.E. Meerut Cantt.
4. Commandant M.D., 508 Army Base Workshop, Allahabad Fort-211005.


Respondents

By Advocate Shri Saumitra Singh

O R D E R (Oral)

By Hon'ble Mr. Justice S.R. Singh, V.C.

The applicant retired as an Electrician from 508 Army Base Workshop, Allahabad w.e.f. 31.12.2003. Earlier by order dated December 13th, 2001 he was granted Second Financial Up gradation under ACP Scheme in the scale of Rs.5000-150-8000 w.e.f. 19.07.2001. Subsequently, by order 26.06.2002 earlier order dated 13.12.2001 came to be amended to the effect that instead of Financial Up gradation being given in the scale of Rs.5000-150-8000 the applicant was granted benefit of ACP Scheme in the scale of Rs.4000-100-6000. It is alleged that deduction was made from the salary of the applicant, as would be evident from the monthly statement of

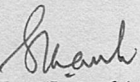


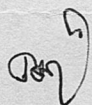
(3)

the account for the month of May, 2003(annexureA-8) and the monthly statement of the account for the month of June, 2003(annexureA-9). The amount already paid to the applicant, was also recovered, as would be evident from annexureA-2. The applicant, it is alleged, had preferred representations dated 24.04.2004, 25.05.2004 and 12.10.2004 challenging the amendment of the benefit already given to the applicant and consequential deduction from his salary. Since the representations were not considered, the applicant, it is alleged, was forced to file the present Original Application seeking issuance of a writ of certiorari quashing the order dated 26.06.2002 coupled with a direction to the respondents to grant him Second Financial Up gradation in the pay scale of Rs.5000-100-8000 w.e.f. 19.07.2001 with consequential fixation of pay, annual increments and arrears from 19.07.2001. The cause of action arose to the applicant firstly on 26.06.2002 and then in the month of May and June, 2003. The applicant, it is alleged was not served with the copy of order dated 26.06.2002 and he came to know for the first time in the month of May, 2003 and the representations thereafter were made, as stated above but, till date competent authority has not considered the representations.

2. Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case particularly the fact that the order dated 26.06.2002 is a cryptic one and that does not disclose any reasons for amendment of earlier grant of financial benefits, we are of the view that it would meet the ends of justice if the O.A. is disposed of at the admission stage with direction to the competent authority to consider and dispose of the applicant's representations aforesaid by means of reasoned and speaking order to be passed and communicated to the applicant within a period of 4 months from the date of receipt of a copy of this order.

3. The O.A. is therefore, disposed of in terms of above observations. Parties to bear their own cost.


Member {A}


Vice Chairman

/M.M./