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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
THIS THE 5th DAY OF OCT.2005
Original Application No. 1199 OF 2005

CORAM:

HON.MR.A.K.BHATNAGAR, MEMBER (J)
HON.MR. S.C.CHAUBE, MEMBER (A)

Radhey Shyam Thakur, a/a 61 years
Son of Late Chandradeep Thakur, resident
Of 190 C/42/2/1149 Rajrooppur, Allahabad. .. Applicant

(By Adv: Shri Swayamwar Lal)

Versus

1. Union of India through Defence Secretary
Ministry of Defence, New Delhi.
2. D.G.EME (EME-Civ), Army Headquarters,
D.H.Q, P.O. New Delhi.
3. Commander, Headquarters Base
Workshop GROUP EME
Meerut Cantt.
Allahabad Fort 211005.
4. Commandant & MD, 508 Army Base Workshop
Allahabad Fort 211 005 .. Respondents

(By Adv: Shri Saumitra Singh))

ORDER (Oral)

By Hon.Mr. A.K.Bhatnagar, Member (J)

By this OA filed u/s 19 of A.T.Act, 1985 the applicant has prayed for a direction for quashing the impugned order dated 26.6.02 (Annexure A1) passed by the respondent no.4 with a further direction to the respondents to grant the pay scale of Rs.5000-8000 from 9.8.1999 and arrears of pay and allowances from 9.8.1999 to 31.3.2004 and thereafter pensionary benefits be settled in the revised pay scale alongwith interest @ 18% per annum. He has further prayed for a direction to refund the amount of Rs.7765/- illegally recovered from the gratuity of the applicant alongwith 18% interest.

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The brief facts giving rise to this Original application as per applicant are that he was appointed as Turner Mate on 18.12.1981 in 508 Army Base Workshop, Allahabad. Thereafter he was promoted to Highly Skilled Grade-1 in the scale of Rs. 330-560(Pre-revised). On 9.8.1999 the Government of India issued orders for financial up-gradations under A.C.P. Scheme on completion of 12/24 years of service. The applicant was granted first initial upgradation from 9.8.1999 in the scale of Rs.5000-8000 on 22.1.2001, which was later on cancelled by order dated 26.6.2002 i.e. Part-II dated 26.6.2002. The same has been impugned in this OA. The applicant retired in 2004 after attaining the age of superannuation and was issued a retirement certificate on 20.2.2004. The grievance of the applicant is that the respondents have acted arbitrarily and illegally as without giving any show cause notice to the applicant, they have recovered Rs.7765/- by P.P.O dated 21.4.04 from his gratuity. The applicant sent a representation against his grievance to the Competent Authority in the department on 27.2.2004 which is still pending decision hence this OA. During the course of arguments learned counsel for the applicant submitted that the applicant will be satisfied if his representation is decided by the Competent Authority by a reasoned and speaking order within a specified period as per rules. After hearing the counsel for parties, we find that the interest of justice shall better be served if the representation of the applicant is decided by the Competent Authority by a reasoned and speaking order within a specified period. After hearing the counsel for the parties, we deem it proper that this OA can be disposed of without calling for counter by issuing an appropriate direction to the respondents.

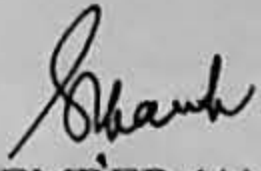
Accordingly, we dispose of this original application by issuing a direction to respondent No.2 the Competent Authority to decide the




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representation of the applicant, so filed by him on 27.2.2005 (Annexure A-6), by a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order under intimation to the applicant.

No costs.


MEMBER (A)


MEMBER (J)

Dated: 05.10.05
Uv/