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OPEN COURT.

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.435 of 2005.

ALLAHABAD THIS THE 15TH DAY OF APRIL 2005.Hon'ble Mr. A.K. Bhatnagar, Member-J
Hon'ble Mr.D.R.TIWARI, Member-A.

Virendra Kumar Srivastava
 Aged about 62 years
 Son of Sri Kamla Shankar Srivastava
 Resident of 346/257 A/2 Beli New Colony,
 Allahabad.

.....Applicant.

(By Advocate : Sri Swayamber Lal)

Versus.

1. The Union of India
 through Defence Secretary
 Ministry of Defence,
 New Delhi-110011.
2. Director General E.M.E (E.M.E Civ)
 Army Headquarters D H Q, P.O.
 New Delhi-110011.
3. Headquarters Base Workshop Group E.M.E.
 Meerut Cantt.
4. Commandant and M.D. 508 Army Base Workshop
 Allahabad Fort-211005.
5. Principal C.D.A (Pensions)
 Allahabad.

.....Respondents.

(By Advocate: Sri Saumitra Singh)

O R D E R

(By Hon'ble Mr. A.K. Bhatnagar, J.M.)

By this O.A., filed under section 19 of
 Administrative Tribunals Act 1985, the applicant has
 prayed for following relief:-

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- (i) "To issue a writ, order or direction in the nature of certiorari to quash the impugned order dated 26.6.2002 (Annexure A-1 to compilation NO.2) passed by respondent NO.4 so far it related to the applicant.
- (ii) To issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to grant the 1st Financial Up-gradation scale of Rs.5000-8000 from 9/8/1999 and pay arrears of pay and allowances from 9/8/1999 to 31/7/2003 along with 18% p.a interest from the date of due amount to the date of actual payment.
- (iii) To issue further directions to the respondents to grant the retirement benefits on the basic pay of Rs.6350/- as on 31.7.2003 along with 18% p.a interest from 1.8.2003 to the date of actual payment.
- (iv) To issue any other and further direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.
- (v) Award the cost of application to the applicant".

2. As per the applicant, he was appointed on 3.4.1963 as Electrician Mate in the respondent's establishment. As per A.C.P. Scheme, he was granted 1st Financial Upgradation on 09.08.1999, the very date on which the scheme was introduced, in the scale of Rs.5000-8000 which was later-on cancelled vide order dated 26.06.2002 filed as Annexure A-1.

3. Learned counsel for the applicant submitted that the applicant has retired on 30.08.2003. Learned counsel for the applicant further submitted that order passed on 26.06.2002 filed as Annexure A-1 is cryptic and has been passed without giving any show cause notice to the applicant which is itself illegal. Learned counsel for the applicant further submitted that he has filed an appeal under Rule 23 (IV) (a) of CCS (C&A) Rules 1965 against the order dated 26.06.2002 to respondent NO.2 through proper channel

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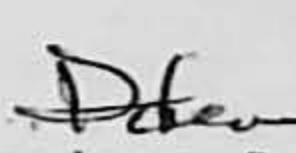


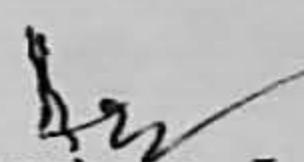
on 11.11.2002 which is reported to have been sent back to the applicant for approaching Col. Adm. 508 Army Base Workshop for getting it forwarded with their comments by letter dated 06.03.2003. The applicant is said to have sent an application on 19.07.2003 filed as Annexure A-9 for deciding the appeal filed by him. As per the applicant, the appeal is still pending unactioned before the concerned authority.

4. After hearing counsel for the parties, we are of the view that the O.A. can be disposed of at the admission stage itself without calling for counter by issuing a direction to the Competent Authority to decide the appeal of the applicant so filed by him on 11.11.2002 (Annexure A-6) within a stipulated period.

5. Accordingly, the O.A. is finally disposed of at the admission stage itself with a direction to the respondent NO.2/Competent Authority to decide the appeal of the applicant dated 11.11.2002 (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.

Manish/-