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OPEN COURT.

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH ALLAHABAD.

**Original Application No.534 of 2005.**

ALLAHABAD THIS THE 18<sup>TH</sup> DAY OF MAY 2005.

**Hon'ble Mr.A.K. Bhatnagar, Member-J.**  
**Hon'ble Mr. D.R. Tiwari, Member-A**

Moti Lal Patel  
Aged about 62 years  
Son of late Shri Ram Autar  
Resident of 724, F/1, Dariabad,  
Allahabad.

.....Applicant.

(By Advocate : Sri S Lal)

**Versus.**

1. 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-1100011.
3. Headquarters Base Workshop Group EME  
Meerut Cantt.
4. Commandant and M.D. 508 Army Base  
Workshop Allahabad-211005.

.....Respondents.

(By Advocate : Sri Saumitra Singh)

**ORDER**

By this O.A., the applicant has prayed for following relief(s):-

- "(i) To issue a writ, order or direction in the nature of certiorari to quash the impugned orders dated 26.06.2002 and 12<sup>th</sup> November

*Dr*

(L)

- 2002 (Annexure A-1 and Annexure A-2 to compilation No.1) passed by respondents.
- (ii) To issue a writ, order or direction in the nature of mandamus commanding the respondents to grant him two financial upgradations in the scales of Rs.5000-8000 and 5500-9000 from 01.12.2001 under A.C.P. Scheme with consequential benefits etc. and arrears of pay and allowances from 01.12.2001 to 30.09.2002 be paid to him with interest.
  - (iii) To issue direction to the respondents to refund the recovered amount of Rs.8015/- from the gratuity and pensionary benefits be revised in the scale of Rs.5500-9000 from 01.10.2002 onwards and arrears be paid with interest @ Rs.18% p.m. from 01.10.2002 to the date of actual payment.
  - (iv) .....
  - (v) ....."

2. The brief facts as per the applicant are that he was appointed as Electrician Mate on 17.04.1963 and thereafter promoted as Electrician in 1964. He is also an I.T.I. passed in the trade of Electrician. The grievance of the applicant is against the daily order Part II dated 26<sup>th</sup> June 2002 by which the pay and pay scale of the applicant has been reduced by canceling the Daily order Part II dated 13<sup>th</sup> October 2001 and also against the pension payment order dated 12<sup>th</sup> November 2002 (Annexure A-1 and A-2). As per counsel for the applicant, the applicant has retired on 30.09.2002 on superannuation.

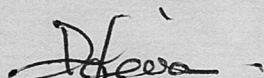
3. During the course of argument, learned counsel for the applicant submitted that applicant has sent a representation to respondent No.2 regarding his grievance on 04.12.2002 (Annexure A-8) followed by various reminders on 14.07.2003, 22.12.2003, 15.07.2004 and 04.01.2005 but no action has been taken by the respondents and is still lying undecided at the end of respondents. Learned counsel for the applicant further submitted that applicant will be satisfied if his representation abovementioned is decided by the Competent Authority as per Rules within a stipulated period.

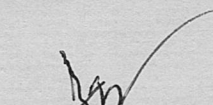
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4. After hearing counsel for the parties, We consider it appropriate that this O.A. can be disposed of at the admission stage itself without calling for counter by issuing a direction to the Competent Authority to decide the representation dated 04.12.2002 (Annexure A-8) within a specified period.

5. Accordingly, the O.A. is disposed of with a direction to the Competent Authority to consider and decide the representation filed by the applicant dated 04.12.2002 (Annexure A-8) by a reasoned and speaking order as per Rules within a period of three months from the date of receipt of a copy of this order.

6. There shall be no order as to costs.

  
Member-A

  
Member-J

Manish/-