

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 28th DAY OF August 2009)

Hon'ble Mr. A.K. Gaur, Member (J)

Original Application No.790 of 2005
(U/S 19, Administrative Tribunal Act, 1985)

1. Hub Lal aged about 52 years, Son of Late Shiv Mangal, Resident of 43-A, Daud Nagar, Naini, Allahabad.
2. Dashrath Yadav aged about 53 years, Son of Late Shyam Lal, Resident of Choka Nai Basti, Naini, Allahabad.
3. Ram Sumer aged about 51 years son of Late Debai Prasad, Resident of Cheoki, Naini, Allahabad.
4. Ram Sajiwan aged about 50 years son of Shri Ram Kishore, Resident of Naya Pura, Naini, Allahabad.
5. Shobh Nath aged about 48 years, son of Late Hari, Resident of 4 Debey Talab Naini, Allahabad.
6. Krishna Kumar Yadav aged about 47 years, son of Late Ram Dulare Resident of Mundi Cha, F.C.I. Naini, Allahabad.

(All serving as Canteen Venders in C.O.D. Chheoki, Allahabad)

..... **Applicants**

Versus

1. Union of India through Defence Secretary, Ministry of Defence, New Delhi.
2. Director General Ordnance Services (OS-8C) Army Hedquarters, D.H.Q. P.O. New Delhi, 110011.
3. Officer Incharge A.O.C. Records, A.O.C. Records Office Secunderabad.
4. Commandant, Central Ordnance Depot, Chheoki, Allahabad.

..... **Respondents**

Present for Applicants : Shri Swyamber Lal

Present for Respondents : Shri S.C. Mishra
Shri S. Singh
Shri A. Dwivedi

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ORDER

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

Heard Sri Swyamber Lal, learned counsel for the applicants and Sri A. Dwivedi, learned counsel for the respondents.

2. The case of the applicants is that the respondents have granted benefit of IInd ACP w.e.f. 20.10.2004. Learned counsel for the applicants vehemently argued that the applicants have not been granted the benefit of Ist ACP.

3. On the other hand learned counsel for the respondents submitted that on implementation of the ACP Scheme, the applicants granted Ist upgradation in the scale of Rs.2650-4000/-. In the light of the fact that the pay-scale of Rs.2550-200/- is not a feeder scale for vendors, accordingly Situ Promotion granted to the applicants in pre-revised scale was worth ignoring.

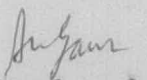
4. Learned counsel for the applicant submitted that the applicants have already preferred a detail representation (Annexure A-8) to the Competent Authority reducing his pay from 01.01.1996 illegally and arbitrarily under the Provisions of Rule 23(iv)(a) of CCS (CCA) rules 1965.

5. Having heard parties counsel I am firmly of the view that the grievance of the applicant might be redressed in case a direction is given to the Competent Authority to consider and pass appropriate reasoned and speaking order taking into account the OM dated

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3/4/2005 dated 04.06.2007 issued by Department of Personnel & Training). We accordingly direct the Competent Authority to pass appropriate reasoned and speaking order within a period of three months from the date of receipt of copy of this order taking into account the grievance of the applicant. While passing the order on the representation of the applicant the O.A. may be treated as part of the representation.

6. With the above observations the O.A. is disposed of. No costs.


Member-J

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