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OPEN COURT.

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No. 815 of 2005.

ALLAHABAD THIS THE 28th DAY OF July 2005.

Hon'ble Mr.A.K. Bhatnagar, Member-J.

Hon'ble Mr. S.P. Arya, Member-A

K.N Gupta
Aged about 63 years
Son of Late Nokhe Lal Gupta,
Resident of 661 Triveni Road, Kydganj
Allahabad.

.....Applicant.

(By Advocate : Sri S. 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 Headquarters, D.H.Q., P.O
New Delhi-110011.
3. Commander, Headquarter Base Workshop
Group E.M.E., Meerut Cantt.
4. Commandant & M.D. 508 Army Base Workshop
Allahabad Fort-211005.

.....Respondents.

(By Advocate : Sri Saumitra Singh)



ORDER

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

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

- (a) "To issue a writ, order or direction in the nature of certiorari to quash the impugned order dated 26.06.2002 (Annexure A-1 to compilation No.1) passed by respondent No.4, so far it relates to the applicant.
- (b) To issue a writ, order or direction in the nature of mandamus commanding the respondents to grant the applicant 1st Financial Upgradation under A.C.P Scheme in the scale of Rs.5000-8000 from 19.07.2001 and arrears of pay and allowance from 19.07.2001 to be paid to the applicant. Thereafter pensionary benefits from 1.2.2002 be paid in the revised scale of Rs.5000-8000 along with 18% P.A interest from the date of due amount to the date of actual payment, along with other consequential benefits".

2. According to the applicant, he was appointed as Electrician (Semi Skilled) on 14.03.1963 in 508 Army Base Workshop, Allahabad and subsequently promoted to Electrician (Highly Skilled Grade-1). He was superannuated on 31.1.2002 after completing 60 years of age and his pensionary benefits were paid to the applicant on the basic pay of Rs.5600/- in the pay scale of Rs.4000-6000 instead of in the pay scale of Rs.5000-8000 w.e.f. 1.2.2002, since the pay fixation in the pay scale of Rs.5000-8000 was not finalized.

3. The only grievance of the applicant is that respondent No.4 cancelled the Daily Order Part-2 dated 13th December 2001 by which he was granted financial upgradation in the scale of Rs. 5000-8000 by order dated 26.6.2002 arbitrarily and illegally without show cause notice to the applicant violating the principles of natural justice.

4. During the course of arguments, learned counsel for the applicant submitted that applicant has filed representation

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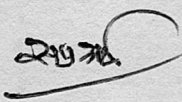
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against his grievance on 11.01.2003 (Annexure A-7) followed by other reminders (Annexures A-8 to A-11~~7~~) but respondents have not cared to decide the same. Therefore, without going into the merit of the case, we feel that interest of justice shall better be served if a direction is issued to the Competent Authority to decide the representation of the applicant within a stipulated period.

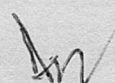
5. After hearing counsel for the parties, we are of the view that this O.A. can be disposed of at the admission itself without calling for counter by issuing an appropriate direction.

6. Accordingly, the O.A. is disposed of finally by issuing a direction to the respondent No.2 i.e. Director General, E.M.E. (E.M.E-Civ), Army Headquarters, D.H.Q., P.O New Delhi-110011 to consider and decide the representation of the applicant dated 11.1.2003 (Annexure A-7) by a reasoned and speaking order in accordance with law within a period of three months from the date of receipt of a copy of the order.

No costs.


Member -A

Manish/-


Member-J