

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/01168/2019

DATED THIS THE 09TH DAY OF MARCH, 2021

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

P.S. Venkappa, (MES 132021),
S/o late P.V. Shankarappa,
Aged about 60 years,
Working as Chowkidar,
O/o Garrison Engineer South,
No. 1, Ulsoor Road,
Shivanshetty Garden Post,
Bangalore 42

....Applicant

(By Advocate Shri M. Subramanya Bhat)

Vs.

1. Union of India
Through its Secretary
Ministry of Defence,
Central Secretariat,
New Delhi 110 001

2. Engineer in Chief,
Engineer in Chief's Branch,
Army Head Quarters, DHQ (PO), New Delhi 01

3. The Chief Engineer,
Head Quarters, Southern Command,
Engineer's Branch, Pune-01

4. Commander Works Engineer (Army),
No. 101, Dickenson Road,
Shivanshetty Garden Post,
Bellary Road, Bangalore 42

5. Head Quarters Chief Engineer,
Chennai Zone, 1st Island Ground, Chennai – 09

6. Additional Director General (Projects),
C/o HQ Cost Guard Region (Estt),
Near Napier Bridge, Chennai 600009

.....Respondents

(By Shri Sugumaran, ACGSC)

ORDER (ORAL)**PER: SURESH KUMAR MONGA, MEMBER (J)**

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking therein a direction to respondents to promote him to the post of Mate (Mason) with effect from the date of his passing the trade test for the said post and further promote him to the post of SK-Mason (Semi-skilled) with effect from the date on which he passed the trade test for the said post and also to extend all the consequential monetary benefits. He has also made an alternative prayer for issuance of a direction to respondents to extend the benefit of the order dated 08.02.2011 by granting the revised pay in PB-1 with Grade Pay of Rs. 1800/- w.e.f. 01.01.2006 and re-designate him as Mate (Mason) and also to grant him all the consequential benefits including the benefit of notional promotion to the Skilled post, Highly Skilled-I and Highly Skilled-II posts after determining his eligibility in terms of the Recruitment Rules.

2. At the very outset, learned counsel for the applicant submitted that the matter is squarely covered by a judgment rendered by the Ernakulam Bench of this Tribunal in OA No. 109/2012 K. Vijayan and others vs The Chief Engineer (Naval Works) and others decided on 12.12.2012.

3. Learned counsel further submitted that in order to claim parity with his counterparts in the State of Kerala and while placing reliance upon the judgment in K. Vijayan (*supra*), the applicant had submitted a representation dated 10.07.2019 on which no decision has been taken by the respondents upto now. Learned counsel further submitted that the applicant will be

satisfied if a direction is issued to the respondents to decide his pending representation within a timeframe.

4. Keeping in view the aforestated limited prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application without entering into the merits of the case.

5. Accordingly, the Original Application is disposed of with a direction to Commander Works Engineer (Army), Bangalore (Respondent No. 4) to decide the applicant's pending representation dated 10.07.2019 and pass a reasoned and speaking order in accordance with law. Before taking such a decision, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of two months from the date of receipt of a certified copy of this order.

6. Ordered accordingly.

7. There shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

/ksk/