

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 28th day of March Two Thousand And Ninteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)
THE HON'BLE MR. P. MADHAVAN, MEMBER(J)

M.A.310/204/2019

In

OA.310/1501/2016

&

OA.310/1501/2016

R. Parthasarathy,
S/o. Rajagopal @Rajampillai,
Aged about 60 years,
Technical Assistant (Lab),
Government General Hospital,
Karaikal- 609 602.

....Applicant/Applicant

(By Advocate:Mr. R. Sarvanan)

Versus

1. The Union of India Rep. by
The Secretary to Government,
Ministry of Health, Chief Secretariat,
Puducherry- 605 001;
2. The Director,
Health and Family Welfare Services,
Puducherry- 605 001;
3. The Medical Superintendent-cum-Head of Office,
Government General Hospital,
Karaikal - 609 602.Respondents/Respondents
4. Officer on Special Duty,
Directorate of Health and Family Welfare Services,
Government of Union Territory of Puducherry.
Puducherry. ...Respondent No.4 in OA

(By Advocate:Mr. R. Syed Mustafa)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. Applicant has filed this MA for restoration of the OA which was dismissed for default on 20.11.2018 as the applicant was not represented on various dates and had not submitted proof of service of notice to the respondents which was directed to be issued by Dasti through counsel for the applicant.

2. Learned counsel for the applicant would submit that respondents had entered appearance and, accordingly, the applicant was waiting for the reply. This does not, however, justify the absence of the counsel for the applicant on 20.11.2018 when the matter was specifically posted under the caption 'for dismissal'. As neither side was showing interest, the matter was dismissed for default.

3. Notwithstanding the above, it is seen that the applicant had challenged Annexure-A/28 memorandum dated 22.12.2015 by which his representations dated 08.10.2014 and 11.11.2015 were disposed of with a statement that grant of second financial upgradation under ACP Scheme to the applicant would be examined on receipt of approval from Government of India. It was stated that the post of Senior Laboratory Technician and the promotional post of Technical Assistant (Lab) had been placed in an identical pay scale of Rs. 5000-150-8000 due to implementation of the 5th Central Pay Commission and grant of second financial upgradation in the pay scale of Rs.5000-150-8000 with the benefit of fixation of pay under FR 22 (1)(a)(i)

could only be considered with the approval of the Government of India in the Ministry of Finance, Department of Expenditure.

4. Keeping in view the interim nature of the impugned order, we deem it appropriate to allow the MA, restore the OA and direct the competent authority to pass final orders in pursuance of Annexure A/28 memorandum within a period of two months from the date of receipt of copy of the order. The applicant shall be at liberty to challenge the order, if it is not favourable to him and if adequate grounds exists to assail the same.

5. M.A. and OA are disposed of in the above terms. No costs.