

OPEN COURT

Central Administrative Tribunal Allahabad Bench**Allahabad.****Circuit Sitting at Uttrakhand (Nainital)**This The 21st Day Of October, 2008.ORIGINAL APPLICATION NO. 255 OF 2000.

Present:

Hon'ble Mr. Ashok S. Karamadi, Member (J)Hon'ble Mrs. Manjulika Gautam, Member (A)

D.S. Bisht aged about 54 years son of late Shri Bhawan Singh Bisht, resident of House No.54/2 Vijay Colony, Hathibar Kala, P.O. Dehradun, District Dehradun, Presently working as Assistant in the Office of Garrison Engineer, Dehradun, (U.P.).

.....Applicant

By Advocate: Shri N.P. Singh.

Versus.

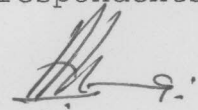
1. Union of India, through Secretary, Ministry of Defence, South Block, New Delhi.
2. Engineer-in-Chief, Army Headquarters, Kashmir House, DHQ P.O., New Delhi-110 011.
3. Chief Engineer, Central Command, Lucknow- 226 002.
4. Chief Engineer, Bareilly Zone, Bareilly.
5. Garrison Engineer, Dehradun Cantt.

.....Respondents.

By Advocate: Shri M.B. Singh.

O R D E RBy Hon'ble Mr. Ashok S. Karamadi, Member (J)

Learned counsel for the applicant submitted that the grievance of the applicant is that his juniors were given the benefits but the applicant has not given the benefit and seeking par of the scale of the juniors to him. Being aggrieved by the same, the applicant has given representation to the respondents



i.e. Annexure A-5, A-7 and A-9. Inspite of the said representations given to the respondents, the respondents have failed to take any action, hence this OA has been filed. Learned counsel for the applicant further submitted that as the applicant is already retired but the respondents have not attended the grievance of the applicant as on today, hence this OA is filed. Even though the respondents have filed the counter affidavit denying the claim of the applicant but in the counter affidavit in Para 7, 10 and 11, which refers to the representation made by the applicant. The respondents have not adverting any of the reasons regarding non-compliance of the representation of the applicant or the grounds taken in the said representation for denying the benefit, claimed by the applicant, as the respondents have failed to pass any order.

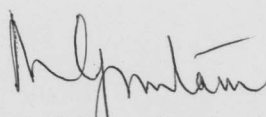
2. Having regard to the abovementioned fact it is clear that even though the case of the applicant is one of consideration regarding for the benefits given to the juniors based on the same claim and the benefit he made a representation to the competent authority for consideration of the same but as on today inspite of several representations submitted by the applicant the respondents have not taken any action so far.

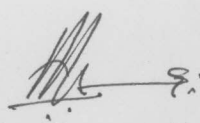
3. In view of the facts and circumstances of the case; we thought it is just and proper to direct the respondents to consider and decide the representation



dated 22.09.1998, 01.09.1999 and 18.02.1999 (Annexure A-5, 5.7 and 5.9) in accordance with law of the applicant within a period of two months from the date of receipt of copy of this order. It is also brought to our notice that in identical case pertaining to the facts of the case on hand decided by Lucknow Bench of this Tribunal in OA No.1/2001 S.N. Chaubey Vs. Union of India and others decided on 31.12.2002 based on that the respondents consider the case of others. Having regard to the said statement, we direct the respondents to take into consideration of the said decision and pass appropriate order while considering the case of the applicant. Since the applicant has already superannuated from service on 31.07.2006. The respondents consider the case of the applicant as ^{early} ~~expedient~~ as possible.

4. With the above direction, this OA stands disposed of with no order as to costs.


(Manjulika Gautam)
Member (A)


(Ashok S. Karamadi)
Member (J)

RKM/