

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Dated: This the 21<sup>st</sup> day of MAY 2008.

ORIGINAL APPLICATION NO. 540 OF 2003 (U).

Hon'ble Mr. Justice A.K. Yog, Member (J)  
Hon'ble Mr. K.S. Menon, Member (A)

Fazar Ahmad, S/o Ameer Ahmad, R/o Village Bhagedin Mahawatpur, Post  
Milappur, Distt: Haridwar.

.....Applicant

By Adv: Sri A. Pathak

Versus

1. The Union of India through Defence Secretary, Ministry of Defence,  
New Delhi.
2. Chief of Army Staff, Army Headquarters, South Block, New Delhi.
3. Principal Controller of Defence Accounts, Meerut Cantt.
4. Director General Medical Services, (Army) DGMS-3B L, Block, New  
Delhi.
5. Commanding Officer, Military Hospital, Roorkee, District Haridwar.

.....Respondents

By Adv: Sri S. Singh

ORDER

By Hon'ble Mr. Justice A.K. Yog, Member (J)

By means of this OA, originally <sup>On</sup> the main relief claimed was to the  
effect that the respondents may kindly be directed to condier the casse of  
the applicant and to give his due promotion and pay scale of Rs. 260-400  
(now revised as 4000-6000) since 15.10.1984. After amendment under  
Tribunal's order dated 07.01.2004 the foresaid relief has been amended to  
the effect that the respondents be directed to pay the differences of the  
salary to the applicant since 15.10.1984 upto the date of his retirement  
and thereafter the differences in the pension being paid to him.

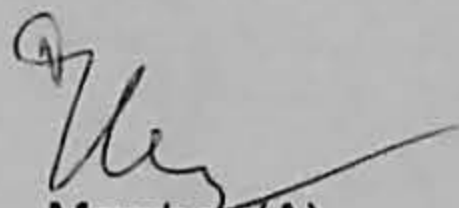
*Am*

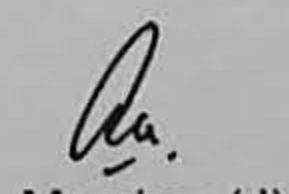
2. The relief claimed as such after amendment cannot be granted by this Tribunal. In as much as the issues raised in this OA requires to be adjudication both on the fact and as per applicability to statutory provision. According to the applicant himself he had filed representation on 07.01.2002 and has also served legal notice on 31.07.2002. Proper relief, in the facts of the instant case ought to have been for seeking direction to the Tribunal requiring respondents authorities to decide the said representation.

3. It appears that the applicant has also retired and in view of the above we direct the applicant to file a comprehensive/additional representation alongwith certified copy of this order within 02 weeks from today and the concerned respondent authority, if representation is filed as stipulated above, decide the said representation in accordance with law by passing reasoned/speaking order exercising its unfettered decision within 04 weeks from the date of receipt of representation with certified copy of this order as stipulated above on the basis of record available before him as per law and the order passed shall be communicated to the applicants forthwith.

5. The OA stands disposed of finally subject to the above direction.

No costs.

  
Member (A)

  
Member (J)

/pc/