

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

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Original Application No. 818 of 2003.

this the 29th day of July 2003.

HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER (A)  
HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Awadh Narain Rai, S/o late Lal Bahadur Rai, R/o House No.  
11/1/7 P.D. Kydganj, Allahabad.

Applicant.

By Advocate : Sri S. Lal.

Versus.

1. Union of India through Defence Secretary, Ministry of Defence, New Delhi.
2. Director General EME (EME-Civ), Army Headquarters DHQ P.O. New Delhi.
3. Headquarters Base Workshop Group EME, Meerut Cantt.
4. Commandant & MD 508 Army Base Workshop, Allahabad Fort.

Respondents.

By Advocate : Sri V.V. Misra.

ORDER (ORAL)

BY MRS. MEERA CHHIBBER, MEMBER (J)

By this O.A., applicant has challenged the order dated 26.6.2002 whereby the order dated 6.8.2001 has been cancelled without giving any show-cause notice to the applicant. He has further sought a direction to the respondents to grant him second financial upgradation scale of Rs.5000-8000/- w.e.f. 9.8.99 under ACP Scheme with all consequential benefits.

2. The grievance of the applicant in this case is that vide order dated 6.8.2001 (Annexure A-3), he was granted financial upgradation under ACP Scheme in the scale of Rs.5000-8000/- w.e.f. 12.2.2000, but the same has been arbitrarily, without giving him any sensible reason, cancelled, which was continued till it was cancelled, by order dated 26.6.2002. The applicant gave a detailed appeal

against the said order on 26.12.2002 (page 22), but the same has not been decided till date. Thereafter, the applicant has also retired w.e.f. 31.5.2003, but since the respondents are not even responding to his appeal, he had no other option, but to file the present O.A.

3. The counsel for the respondents was seeking time to file reply to the O.A., but since the applicant's counsel has made a specific averment in the O.A. that till date the respondents have not even decided his appeal, we think that it would not serve any purpose for calling the Counter from the respondents at this stage as the matter has to be decided by the appellate authority in the first instance before whom the applicant has already taken all the points. Therefore, we are disposing off this O.A. at admission stage itself by giving a direction to the respondent no.2 to apply his mind to the points raised by the applicant in his appeal dated 26.12.2002 and to decide the same within a period of two months from the date of receipt of copy of this order by passing a reasoned and speaking order under intimation to the applicant.

4. With the above directions, this O.A. stands disposed off with no order as to costs. The liberty is being given to the applicant that in case he is still aggrieved, he can challenge the said order by filing a fresh O.A.



MEMBER (J)



MEMBER (A)

GIRISH/-