

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 16th day of September 2003.

Original Application no. 1086 of 2003.

Hon'ble Maj Gen K K Srivastava, Member (A)
Hon'ble Mr A K Bhatnagar, Member (J)

1. Miss Seema Agarwal-I, D/o Sri J.P. Agarwal,
r/o house no. F-71 New Vijay Nagar, Sector 09,
Ghaziabad. (UP)
2. Uma Shankar Saini, s/o Sri M C Saini,
r/o H. no. C-217 Nand Gram,
Ghaziabad.

.... Applicants

By Adv : Sri R.P.S. Yadav

Versus

1. Secretary, Ministry of Defence, Govt. of India,
New Delhi.
2. Director General N.C.C., Army Headquarters, DHQ, PO
New Delhi.
3. Deputy Director General, NCC (UP & UC), Ashok Marg,
Lucknow.
4. Group Commander NCC Group HQ (UP),
R-3/15 Raj Nagar, Ghaziabad (UP).
5. Officer-in-Charge Unit Run CSD Canteen,
C/o G.P. HQ (UP R-3/15 Raj Nagar, Ghaziabad (UP)).

... Respondents

By Adv : Sri P Krishna

O R D E R

By Maj Gen K K Srivastava, AM.

In this OA, filed under Section 19 of the A.T. Act, 1985, the applicants have prayed for direction to respondents no. 4 & 5 to pay the applicants the salary as per Army Headquarters letter dated 28.4.2000 (Ann 6).

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2. The grievance of the applicants is that the applicants are working in the canteen NCC Group Head Quarters, Ghaziabad and they are being paid much ^{in less} than they are entitled. Sri RPS Yadav, learned counsel for the applicant has invited our attention to annexure 6 which is the order of the Army Headquarters dated 28.4.2003 in which, in schedule no. 1, the pay scales of the various categories have been given. Applicant no. 1 is working as Accountant, whereas applicant no. 2 is working as Billing clerk, as established on perusal of annexure 1 B (pg 13).

3. The contention of the applicants is that once the pay scales have been fixed by the Army Headquarters, there is no reason as to why the respondents ^{in the denying} denied them for their entitled scale.

4. Sri P Krishna, learned counsel for the respondents appearing on behalf of the respondents, prayed for time to file CA, which we do not consider necessary as this OA can be decided at the admission stage itself.

5. We have heard learned counsel for the parties, considered their submissions and perused the record.

6. In our considered opinion the ends of justice shall be better served, if a direction is given to the respondents to decide the representations of the applicants. The learned counsel for the applicant submitted before us that the applicants approached the respondents number of times for increase of their pay and applicant no. 1 has also filed an application dated 7.2.2001 (Ann 2) regarding increase

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of their pay. We have perused the same and we find that it will be better, if we allow the applicants to file a detailed representation before *the* respondent no. 4.

7. In view of the aforesaid, the OA is finally disposed of with the direction to the applicants to file detailed representations before respondent no. 4 within 04 weeks and respondent no. 4 is directed to decide the same within three months by a reasoned and speaking order from the date of communication of this order along with representations of the applicants, keeping in view the instructions issued by the Army Headquarters vide letter dated 28.4.2003 (Ann6).

8. There shall be no order as to costs.

M
Member (J)

D. Shukla
Member (A)

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