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(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

HON'BLE MR.A.K. GAUR , MEMBER (J).

Original Application Number. 1457 OF 2006.

ALLAHABAD this the 05th day of *December*, 2008.

Smt. Kanta, aged about 45 years, Wife of Shri Samuel, Resident of Katghar-Prem Nagar, Veer Shah Hajari District-Moradabad.

.....Applicant.

VERSUS

1. Union of India through Chairman, Central Board of direct Taxes (Central Excise) New Delhi.
2. The Assistant Samaharta, Central Excise, Moradabad Divsiiona Division, Moradabad.
3. The Additional Commissioner (P&V), Central Excise & Customs, Commissionarate-Meerut-II.

.....Respondents

Advocate for the applicant: Sri R. Verma

Advocate for the Respondents : Sri N.C. Nishad

ORDER

The grievance of the applicant is that she has already worked for more than one year. Learned counsel for the applicant would further contend that in view of the judgment rendered by Apex Court reported in 1998 SCC (L&S) 138, the applicant is entitled to get regular pay. In support of his claim, learned counsel for the applicant has placed reliance on a decision rendered by a coordinate Bench of this Tribunal in O.A No. 639/2000 dated 03.06.2003, in which direction was given to the respondents to pay the applicant the minimum of the scale of Staff Car Driver from the date he was engaged.

2. In the instant case, the applicant has already preferred a representation dated 11.02.2006, which is still pending. learned counsel
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for the applicant would further contend that the grievance of the applicant might be redressed in case a direction is given to the competent authority/ The Additional Commissioner (P&V), Central Excise & Customs, Commissionarate, Meerut-II to consider and decide the representation of the applicant dated 11.02.2006 (Annexure A-III of O.A) by a reasoned and speaking order taking into account the points raised therein and also keeping in view the judgment rendered in O.A No. 639/2000 (referred to above) within specified period. Learned counsel for the respondents has no objection, if such a direction is given.

4. Having heard learned counsel for the parties I am firmly of the view that it would be in the interest of justice to direct the Additional Commissioner (P&V), Central Excise & Customs, Commissionarate-Meerut-II /competent authority to consider and decided the pending representation (referred to above) by a reasoned and speaking order meeting all the contentions raised by the applicant in her representation dated 11.02.2006 (Annexure A-III of O.A), within a period of three months on receipt of certified copy of the order alongwith copy of judgment dated 03.06.2003 passed in O.A No. 639/2000, as contemplated above, in accordance with law and observations made in the judgment in O.A No. 639/2000 (referred to above).

5. With the aforesaid directions, the O.A is disposed of finally with no order as to costs.

Be noted that I have not passed any order on merits of the case.

Anand
MEMBER- J.

/Anand/