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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1129 OF 2007

ALLAHABAD THIS THE 26TH DAY OF AUGUST 2008

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

J. P. Singh,
Retired Vice Principal, Government Secondary School,
Adazig, Bartang, Andaman & Nicobar Islands,
Resident of B-34/118-6 Manas Nagar Colony Durgakund,
District-Varanasi.

..... Applicant

By Advocate : Sri P. C. Patel

Versus

1. Union of India through Secretary,
Ministry of Human Resource Development,
Government of India, New Delhi.
2. Chief Secretary, Andaman & Nicobar Islands,
Secretariat, Port Blair.
3. Special Secretary Cum Director of Education,
Andaman & Nicobar Islands, Port Blair.
4. Assistant Director (Admn.), Andaman & Nicobar
Administration, Directorate of Education, Andaman
& Nicobar Islands, Port Blair.
5. Pay & Accounts Officer, Chief Pay & Accounts
Office, Andaman & Nicobar Administration, Port
Blair.
6. Principal, Government Secondary School Oralkacha,
Bartang Andaman & Nicobar Islands.

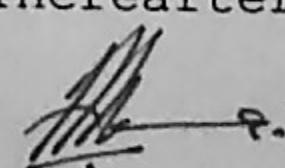
..... Respondents

By Advocate : Sri Anil Dwivedi

O R D E R

This application is filed seeking quashing of the
re fixation of his pay with regard to the applicant is
concerned.

2. The brief facts of the case are that the
applicant was retired on 31.12.2006. Thereafter as

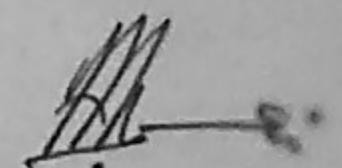


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per order dated 18.04.2007 (Annexure A-1) in view of the relevant instructions his pay was refixed and subsequently the respondents have passed another order on 27.07.2007. The applicant is not satisfied with the re fixation made by the respondents with regard to his pay is concerned and made a representation to the respondent's authorities dated 20.04.2007 (Annexure A-4) and 26.07.2007 (Annexure A-5) along with the necessary particulars with regard to his contention by giving all information for consideration of his case in detail in accordance with the relevant rules applicable to him, but inspite of the said representation submitted to the respondents as stated in para 4.3 and 4.4 of the OA. Since the respondents have not heeded to the request of the applicant as the applicant has not received any communication from the respondents with regard to the same has filed this OA for seeking the above reliefs.

3. On notice the respondents have filed the counter affidavit stating that the decision taken for re fixation of his pay is in accordance with law and the re calculation was done on taking into consideration of the particulars of the applicants, and is just and proper, therefore, sought for dismissal of this OA.

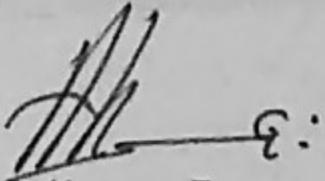
4. I have heard the learned counsel for the parties and perused the pleadings and the materials on record. Having regard to the fact that the applicant who was working with the respondents after his superannuation



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on 31.12.2006 his pay was fixed but the same according to the applicant was not done properly in accordance with the rules which he is entitled, therefore being aggrieved by the same he made a representation to the competent authority dated 20.04.2007 (Annexure A-4) and 26.07.2007 (Annexure A-5) to decide his representation in accordance with the rules applicable but the contention taken by the applicant is not rebutted stating that the contention of the applicant is not based on the materials and in the absence of any specific denial in the counter affidavit filed by the respondents it cannot be said that the respondents acted legally in accordance with law and the representation of the applicant has not been considered as he is not satisfied with the re fixation of the same, therefore, I thought it just and proper to direct the respondents to pass appropriate speaking orders in accordance with law and rules applicable to the applicant within a period of three months from the date of certified copy of this order.

5. With the above directions the OA is disposed of.
No Costs.


Member-J

/ns/