

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00356/2014

Jodhpur, this the 29th day of September, 2015

CORAM

**Hon'ble Mr. Justice Harun-Ul-Rathid, Judicial Member
Hon'ble Ms. Meenakshi Hooja, Administrative Member**

Naresh Kumar Sehgal s/o Late Shri Om Sharan Sehgal, aged about 64 years, R/o Flat No.II/II-A, Behind District Collector's Residence, New Civil Lines, Hanumangarh Junction, Rajasthan.

.....Applicant

By Advocate: Mr. Hemant Dutt

Versus

1. The Union of India through the Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.
2. The Director General (Personnel/EI) (DPC), Military Engineer Services, Engineer-in Chief's Branch, Army Headquarters, Kashmir House, New Delhi.
3. The Commander Works Engineer, Head Quarters, Air Force, Maharajpur, Gwalior-900126 (M.P.)
4. The Chief Engineer, Central Command Headquarters, Lucknow-900450 (U.P. C/o 56 APO).
5. The Controller of Defence Accounts, Ridge Road, Jabalpur (M.P.)

.....Respondents

By Advocate : Mr. K.S.Yadav

ORDER (ORAL)

Per Ms. Meenakshi Hooja

This Original Application has been filed by the applicant u/s 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

(A) By an appropriate order or direction, the respondents may kindly be directed to make the necessary pay fixation of the applicant pursuant to the second Financial Upgradation under the Assured Career Progression Scheme in the pay-scale of 8000-275-13500 from 9.8.1999 to 17.2.2005 and thereafter in the pay scale of 10000-325-15200 (Revised to grade pay of Rs. 6600) from 18.2.2005 till the date of superannuation of the applicant i.e. 31.7.2010 and further the pension of the applicant be also revised w.e.f. 1.8.2010 as per the Revised Pay Fixation along with interest @ 12% per annum from the date 15.9.2011 till the date of actual payment.

(B) Any other order or direction, which this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the present case may kindly be passed in favour of the applicant.

(C) The cost of the Original Application may kindly be awarded in favour of the applicant.

2. The learned counsel for the applicant submitted that vide Ann.A/1 dated 15th September, 2011, the applicant whose name figures at Sl.No.24 was granted 2nd financial upgradation in the scale of Rs. 8000-275-13500 up to 17.2.2005 and thereafter in the pay scale of Rs. 10000-325-15200 from 18.2.2005 onwards. The applicant retired on attaining the age of superannuation from the post of AEE (QS&C) from the office of Commander Works Engineer, Air Force, Maharajpur, Gwalior on 31.07.2010. He worked to the utmost satisfaction of the higher authorities and had an unblemished service record. However, despite passing of the

same have not been paid to the applicant. In this regard, the applicant submitted representation dated 11.10.2011 (Ann.A/2) and further representations dated 29.06.2012 and 18.09.2012 (Ann.A/3). Later, vide communication dated 31.01.2013 (Ann.A/4) he was informed that the matter of final pay fixation of the applicant is with the CDA, Jabalpur. When the matter was still not finalized, the applicant submitted another representation dated 4.10.2013 (Ann.A/5). The applicant also submitted the required option form and undertaking as may be seen at Ann.A/6. The applicant also received several communications including more recent letter dated 24.2.2014 (Ann.A/13) in which the office of the Director General (Personnel), has asked the Headquarter, Chief Engineer, Central Command to expedite pay fixation of the applicant. Counsel for the applicant submitted that despite his submitting so many representations and communications received from the respondent authorities, no action has been taken with regard to his pay fixation as per grant of 2nd financial upgradation as per order dated 15th September, 2011 and the applicant is being deprived of his due benefits for no fault on his part. Therefore, the applicant has prayed for the reliefs as referred to above.

3. Per contra, learned counsel for the respondents, in the context of the reply filed, submitted that the dossiers along with

service book and connected documents were last returned to HQ Chief Engineer, Central Command, Lucknow vide letter dated 23.7.2014 with certain observations and the matter is pending consideration.

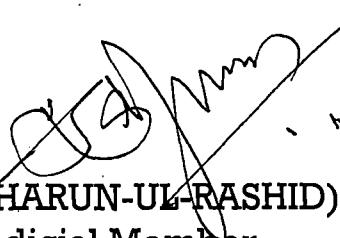
4. Considered the rival contentions and perused the record. It is seen that after issue of order dated 15th September, 2011 (Ann.A/1) granting 2nd financial upgradation under ACP Scheme to the applicant, the applicant pursued the matter and submitted representation dated 11.10.2011, 29.6.2012, 18.9.2012 and 4.10.2013 (Ann.A/2, A/3 and A/5 respectively), notice for demand of justice dated 25.12.2013 (Ann.A/9) and also received several communications from the respondent Department regarding the matter being considered specially Ann.A/4 dated 31.01.2013, where it has been mentioned that the matter is pending with CDA, Jabalpur and a more recent communication Ann.A/13 dated 24.2.2014 where the concerned office was advised to expedite the matter of pay fixation of the applicant.

5. In view of above analysis, it is clear that the matter of pay fixation as also subsequently of pension is pending consideration with the respondent authorities and they are required to decide the same expeditiously. Therefore, we consider it appropriate to dispose of this OA with certain directions.

The applicant is directed to file a fresh representation along with a copy of this OA and relevant annexures to respondent No.2 i.e. Director General (Personnel/EI), Military Engineering Service, Army Headquarters, New Delhi within 15 days from the date of receipt of a copy of this order and respondent No.2 is directed to decide the issue of pay fixation and pension of the applicant by a reasoned and speaking order within two months on receipt of representation of the applicant and communicate the same to the applicant.

The OA stands disposed of accordingly with no order as to costs.


(MEENAKSHI HOOJA)
Administrative Member


(JUSTICE HARUN-UL-RASHID)
Judicial Member

R/