

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.63/2002

Wednesday this the 30th day of January, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

N.S.Jayakumar,
Lower Division Clerk,
Defence Security Corps Records Office,
Cannanore.670 013.

..Applicant

(By Advocate Mr. C.S.G. Nair)
V.

1. Chief Records Officer,
Defence Security Corps Records,
Cannanore.13.
2. The Station Commander,
Station Headquarters,
Defence Security Corps,
Cannanore-13.
3. The Deputy Director General
Defence Security Corps,
G.S.Branch, Army Headquarters,
West Block No.III
Ramakrishnapuram,
New Delhi.
4. Union of India, represented
by the Secretary,
Ministry of Defence,
South Block, New Delhi-1.

..Respondents

(By Advocate Mr. C. Rajendran (rep))

The application having been heard on 30.1.2002 the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant, who was discharged from defence service after serving for a period of more than five years as a Sepoy Clerk and reemployed as Lower Division Clerk in the Defence Security Corps under the first respondent on 1.12.1994 is aggrieved that he has not been given the higher fixation of pay taking into account the equivalent service rendered by him in the Army in accordance with the rules and instructions governing the fixation of pay of

Contd.....


reemployed ex-servicemen. His representations Annexures.A3 and A5 remain not responded to. Under these circumstances the applicant has filed this application for the following reliefs:

- (i) To declare that the applicant is eligible for fixing his pay at 5 stages above the minimum in the pay scale of LDC.
- (ii) To direct the respondents to grant him 5 increments and refix his pay as on 1.12.1994 ie the date on which he joined service as LDC and grant all consequential benefit within a stipulated period.
- (iii) To direct the third respondent to dispose of Annexure.A5 representation within a stipulated period.
- (iv) To grant such other relief or reliefs that may be urged at the time of hearing or that this Hon'ble Tribunal may deem fit to be just and proper.
- (iv) Grant the costs of this OA.

2. When the application came up for admission today, learned counsel on either side agree that the application may be disposed of directing the third respondent to consider Annexure.A5 representation of the applicant made on 17.5.2001 in accordance with the rules and instructions on the subject and to give him an appropriate reply within a reasonable time.

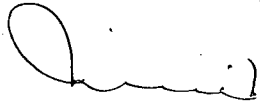
3. In the light of the above submission of the learned counsel appearing on either side, the application

Contd.....



is disposed of directing the third respondent to consider Annexure A5 representation made by the applicant on 17.5.2001 in the light of the rules and instructions on the subject and to give the applicant an appropriate reply within a period of two months from the date of receipt of a copy of this order. There is no order as to costs.

Dated the 30th day of January, 2002



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

(s)

A P P E N D I X

Applicant's Annexures:

1. A-1 : A true copy of the 2nd and 3rd pages of the Discharge Book of the applicant.
2. A-2 : A true copy of the OM No.F 6(8)-E III/63 dated 11.4.63, OM No.6 (8) - E III/63 dt 19.1.65, OM No.F 4 (24) -E III (A)/68 dated 7.8.70 and OM No. F4 (15)-E III (A)/72 dated 25.4.73 of the Ministry of Finance as re-produced in the Swamy's Compilation of FR (corrected upto January 1974).
3. A-3 : A true copy of the representation dt.29.8.97 submitted by the applicant.
4. A-4 : A true copy of the letter No.CA -1/1622/367 dt. 3.7.98 issued by the 1st respondent.
5. A-5 : A true copy of the representation dt.17.5.2001.
6. A-6 : A true copy of Para 16 of Central Civil Services (Fixation of Pay of re-employed pensioners) Orders 1986.

npp
1-2-02