

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
@@@@@@@@@@@@@@@@

Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 3-7-87

APPLICATION NO 38 /87(F)

W.P. NO

Applicant

Shri P. Aswathanarayana

V/s The DGMS, Army & another

To

1. Shri P. Aswathanarayana
U.D.C.
Station Health Organisation
Army Medical Corps
Cambridge Road, Agaram Post
Bangalore - 560 007
2. Shri S. Ranganath Jais
Advocate
36, 'Vagdevi'
Shankarapuram
Bangalore - 560 004

3. The Director General of Medical
Services (Army)
D.G.M.S.
3-B, Adjutant General's Branch
Medical Directorate, Army HQrs,
New Delhi - 110 011
4. The Officer Commanding
Station Health Organisation
Agaram Post
Bangalore - 560 007
5. Shri M. Vasudeva Rao
Addl Central Govt. Stng Counsel
High Court Bldgs, Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/

~~INTERIM ORDER~~ passed by this Tribunal in the above said
application on 29-6-87.

[Signature]
SECTION OFFICER
(JUDICIAL)

Encl : as above

opc.

Issued
A
6/7/87

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE.

Coram: Hon'ble Mr. Justice K.S. Puttaswamy, Vice-Chairman,
and

Hon'ble Mr. L.H.A. Rego, Member (A).

DATED THIS THE TWENTY NINTH DAY OF JUNE, 1987.

Application No. 38 of 1987

P. Aswathanarayana,
U.D.C.
Station Health Orgn.,
Army Medical Corps,
Bangalore-7.

....Applicant.

(Shri S. Ranganath Jois, Advocate)

vs.

1. The Director General of Medical
Services (Army),
D.G.M.S.,
3-B, Adjutant General's Branch,
Medical Directorate, Army Hqrs.,
New Delhi-11.

2. Officer Commanding,
Station Health Orgn.,
Agaram Post,
Bangalore-7.

...Respondents.

(Shri M. Vasudeva Rao, Addl. C.G.S.C.)

This application having come up for hearing,
and having heard both counsel, Hon'ble Vice-Chairman
made the following:

ORDER

In this application made under Section 19 of the
Administrative Tribunals Act, 1985 ('Act'), the applicant



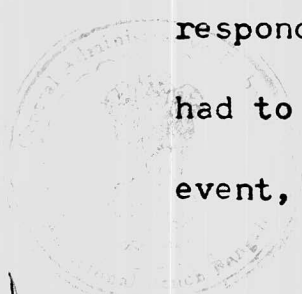
has sought for a direction to the respondents to grant an increment stated to be due to him as on 1.11.1985 in the pre-revised scale of Rs. 330-560.

2. The applicant has asserted that he moved respondent No.2 for grant of an increment due to him as on 1.11.1985 and the same had neither been granted nor rejected by him so far. Hence this application.

3. In their reply, the respondents have urged more than one ground for withholding the increment due to the applicant as on 1.11.1985.

4. Shri S. Ranganath Jois, learned counsel for the applicant, contends that withholding of the increment due to the applicant as on 1.11.1985 in the pre-revised scale of Rs. 330-560 was wholly unjustified and illegal.

5. Shri M. Vasudeva Rao, learned Additional Standing Counsel for the Central Government, appearing for the respondents, contends that as on 1.11.1985, the applicant had to cross the Efficiency Bar and that the same, in any event, had to be examined and decided by respondent No.2.



6. The applicant working as an Upper Division Clerk in the pre-revised scale of Rs. 330-560, had claimed an increment due to him as on 1.11.1985, and the same has not, so far, been granted or rejected by respondent No.2, who is the competent authority to decide the same. The authority is bound to decide the same one way or the other. Before the authority examines and decides the same, it is not proper for this Tribunal to examine the same. In this view, the proper course for this Tribunal is to direct the respondent No.2 to examine the claim of the applicant and make an order as the circumstances justify.

7. Shri Rao prays for a month's time for respondent No.2 to examine the claim of the applicant and decide. In our opinion, the time sought for by Shri Rao is fair and reasonable.

8. In the light of our above discussion, we direct respondent No.2 to examine the claim of the applicant for an increment, stated to be due to him as on 1.11.1985, in the pre-revised scale of Rs. 330-560, with all such expedition as is possible in the circumstances of the case, and in any event, within a period of one month from this day.



/4/

8. Application is disposed of in the above terms.

But in the circumstances of the case, we direct the parties to bear their own costs.



Let this order be communicated to the respondents within a week from this day.

This Copy

Sd — —
VICE-CHAIRMAN

26/2/17

U

Here
SECTION OFFICER 3/7
CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI
26/2/17

dms.

Sd — — —
MEMBER (AM)

27.6.17

Tele: 565666/457

By Registered Post AD

Station "Swasthya Sangathan"
Station Health Organisation
Agaram Post, Bangalore-560007

SHO / 8007 / 168

20 Aug 87

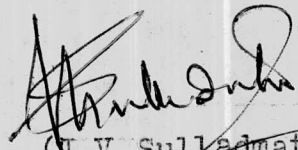
Section Officer
(Judicial)
Central Administrative Tribunal
Bangalore Bench
Commercial Complex (BDA)
Indiranagar, Bangalore-560038

Sir,

APPLICATION NO. 38/87 (F) : SHRI P ASWATHANABAYANA
UDC STATION HEALTH ORGANISATION BANGALORE-87
(APPLICANT) Vs DGMS (ARMY) AND ANOTHER

1. Refer to your letter dated 3 Jul 87, forwarding copy of ORDER passed by the Tribunal on 29 Jun 87.
2. As per the directive contained in para 8 of the ORDER passed by the Tribunal on 29 Jun 87, the claim of the applicant for the increment was re-examined within the stipulated time and necessary recommendations in this regard have been forwarded to our Departmental higher authorities for their approval.

Yours faithfully,


(U V Sulladmath)
Major AMC
Officer Commanding

