

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA 168/2003

DATE OF ORDER: 25.4.2003

Pooran Das son of Late Shri Laxman Das aged about 36 years.
resident of Village Khanua Tehsil Roopwar Bharatpur (Rajasthan).
working as Fireman, Ammunition Depot, Bharatpur.

.... Applicant.

VERSUS

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. The Director General of Ordnance Services, Mj. Gen. of Ordnance Branch Hqs. DHO, P.O. New Delhi.
3. The Commandant Ammunition Depot, Bharatpur.

.... Respondents.

Mr. Surash Chandra Goyal, Counsel for the applicant.

CORAM:

Hon'ble Mr. H.O. Gupta, Member (Administrative)

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

ORDER (ORAL)

In this OA the applicant has prayed for the following reliefs:-

- "(i) The applicant may kindly be allowed increment for the period of suspension and further increments after reinstatement.
- (ii) The children study allowance, night allowance and other benefits payable to an employee while on duty may also be provided to the applicant for the period of suspension.
- (iii) The applicant be ordered to be promoted on the post of fire engine driver w.e.f. 1.1.1998 and further promotion on the post of fire supervisor w.e.f. 1.1.2001 and further on the post of Civil Assistant Fire Master w.e.f. 1.1.2003. It is further prayed that the applicant may kindly be given increments w.e.f. 1.1.98 payable for the promotional post. "

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2.0 Heard the learned counsel for the applicant.

2.1 The learned counsel for the applicant submits that during the period of suspension, the applicant was paid 50% of Pay & Allowance as Subsistence Allowance whereas similarly placed persons were paid 75%. He further submits that during suspension period, increment has not been paid to the applicant. There is law laid down by the Tribunal to grant increment during suspension period. He further submitted that the applicant has not been paid Children Education Allowance and Night Allowance although the same were given to the similarly placed persons.

2.2 The learned counsel for the applicant further submits that he had made a representation and notice of demand of justice also but the respondents have only replied to one of his grievance with regard to grant of Children Education Allowance without quoting any rules.

2.3 The learned counsel for the applicant further submits that he does not want to press for the relief relating to promotion during suspension period.

3.0 The main ground taken are with regard to discrimination vis-a-vis with other similarly placed person. Further, the applicant has not exhausted available opportunities properly.

3.1 In the circumstances, without going into the merit, we direct the applicant to file a fresh representation to respondent No. 2 with copy to respondent No. 3 for information bringing out clearly the details of persons similarly placed and who were given the benefits as claimed by the applicant and also rules/law, if any, to support his contention, within fifteen

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days and by Speed Post to avoid delay. In that event, respondent No. 2 is directed to pass a reasoned order on the representation of the applicant within forty five days from the date of its receipt. The CA is disposed of accordingly.


(M.L. CHAUDHARY)
MEMBER (J)


(H.O. GUPTA)
MEMBER (A)