

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 422 of 2006

Jabalpur this the 5th day of July, 2006

Hon'ble, Mr. A.K. Gaur, Judicial Member

**Jai Gopal S/o Late Shivlal Dhingra
 Retd. T.G. Teacher,
 Permanent No.701895 G.C.Fy
 High School, Gun Carriage Factory,
 Jabalpur.**

Applicant

(By Advocate – Shri K.Dutta)

Versus

1. **Union of India,
 Through – The Secretary,
 Defence Production,
 Ministry of Defence,
 New Delhi.**
2. **The Chairman,
 Ordnance Factory Board,
 6, Khudi Ram Bose Road,
 Kolkata (W.B.)**
3. **The Chief Defence Accounts (Pensions)
 Office of the Principal CDA (Pensions)
 Saraswati Ghat, Allhabad (U.P.)**
4. **The Senior General Manager,
 Gun Carriage Factory,
 Jabalpur (M.P.)**

Respondents

O R D E R(Oral)

By Shri A.K. Gaur, Judicial Member :-

By means of the aforesaid Original Application, the petitioner has prayed for quashing the re-fixation order dated 19.9.2005 (Annexure-A-8) and also prayed for a direction to the respondents to re-fix/award the pension on the basis of the average pay of Rs.8773/- in place of Rs.8475/- as given in Annexure-A-11. Before approaching

this Tribunal, the petitioner has given notice to the Chairman, Ordnance Factory Board, Kolkata as well as the Sr. General Manager, Gun Carriage Factory, Jabalpur on 10.2.2006 through his advocate. In this notice it has been stated that the petitioner was promoted as TGT in the high school w.e.f. 29.9.1997. As a result of revised pay fixation in the selection grade primary teacher, his pay should again be refixed under FR 22(I)(a) (I). But, the respondents did not allow the petitioner's benefit of option facilities under the Rules and pay has been revised on their back at Rs.7425/- as on 29.9.1997. According to the petitioner, this refixation is wholly wrong and his pay should be fixed after allowing the benefit of option as on 1.1.1998 in the pay scale of Rs.7775/-. It is averred on behalf of the applicant that on his retirement his pay should have been fixed as on 1.1.2004 at Rs.8825/-

2. The counsel for the applicant has contended that the grievance of the petitioner could be redressed by issuing a direction to the respondents No. 3 and 4 to consider and decide the representation dated 10.2.2006(Annexure-A-12) and to treat this OA as a part of the representation by passing a reasoned and speaking order within a period of two months. Accordingly, I direct the respondents No. 3 and 4 to consider and decide the aforesaid representation of the applicant and also to treat this OA as a part of the representation within 2 months from the date of receipt of copy of this order.

3. The OA stands disposed with the aforesaid direction at the admission stage itself.

A. K. Gaur
(A.K. Gaur)
Judicial Member

प्राप्तिक्रम सं. ओ/व्या..... जबलपुर, दि.....
प्रतिलिपि आनंद लिला:-
(1) उपर्युक्त उपर्युक्त दिन एवं विवरण, जबलपुर
(2) आवेदन को/विवरी/कु..... को काउंसल
(3) प्रत्यर्पण को/विवरी/कु..... को काउंसल
(4) जल्दी, दिनांक, जबलपुर व्यापारी
सूचना एवं आवश्यक कार्यवाही के
साथ

*R. Dutt & ANWBP
Re: Nos. 3 and 4
(With Copy of Ruling)*

Given

11.7.06