

CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH,
JABALPUR

O.A. No. 783 of 2005

Jabalpur, this the 22nd day of February, 2006

Hon'ble Shri Justice G. Sivarajan, Vice Chairman

L.S. Gandhe, S/o. late Shri S.A. Gandhe,

Date of birth – 15th September, 1935,

R/o. 88, Ramanand Nagar,

Lalghat, Gufa Mandir, Bhopal.

Applicant

(By Advocate – None)

VERSUS

1. Union of India, through its
Secretary, Ministry of Communication,
Department of Telecom.
New Delhi.

2. The Chief General Manager,
(Telecom), M.P. Circle,
Bhopal.

Respondents

(By Advocate – None)

ORDER (Oral)

In spite of the fact that notices were served on the respondents the direction for filing the reply by the respondents has not been complied with. It is seen that the matter was posted before the Deputy Registrar on three occasions and none appeared. Today also there is no appearance either for the applicant or for the respondents. Neither the applicant nor the respondents is also present. Having gone through the matter, I am of the view that this application can be disposed of without the reply.

2. The applicant has retired from service under the respondents. His grievance is that at the time of retirement the dearness allowance was not included while quantifying the amount of DCRG. According to him he was entitled to get 97% DA while calculating the amount of DCRG. He has relied on a Full Bench decision of the Mumbai Bench of the Tribunal dated 21.9.2001 in OAs Nos. 542, 942 and 943 of 1998. Based on the

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said decision, it is stated that the applicant preferred a representation dated 4.4.2004 (Annexure A-3) before the second respondent. His immediate grievance is that the second respondent has not so far taken a decision on the said representation. Since the representation dated 4.4.2004 (Annexure A-3) is stated to be pending before the second respondent, the appropriate course, according to me, is to direct the second respondent to take a decision thereon particularly in view of the fact that certain factual situations for the application of the Full Bench decision is also to be ascertained.

3. In the circumstances, I direct the second respondent to take a decision on the representation dated 4.4.2004 (Annexure A-3) within a period of two months from the date of receipt of this order. The applicant will produce a copy of this OA along with the order before the second respondent for compliance. The OA is disposed of as above.

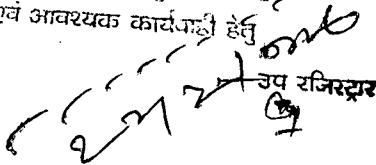

(G. Sivaraman)
Vice Chairman


"SA"

पृष्ठकम सं ओ/न्या.....जबलपुर, दि.....

पतिलिपि अर्द्ध दिवस:-

- (1) सचिव, उच्च न्यायालय, कार एडमिनिस्ट्रेशन, जबलपुर
(2) आह्वेदक श्री/श्रीमती/कु.....के काउंसल S. P. Singh AV 287
(3) प्रत्यक्षी श्री/श्रीमती/कु.....के काउंसल R. S. Singh AV 287
(4) वॉडमाल, के.प्र.अ., जबलपुर न्यायाधीश
सूचना एवं आवश्यक कार्यवाही हेतु


उप रजिस्ट्रार


22.2.06