

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

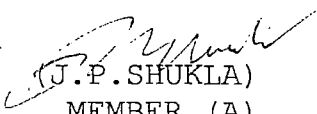
27.2.2008


OA 60/2006

Mr.P.N.Jatti, counsel for applicant.

Mr.V.S.Gurjar, counsel for respondents.

Heard learned counsel for the parties. The
OA stands disposed of by a separate order.


(J.P.SHUKLA)
MEMBER (A)


(M.L.CHAUHAN)
MEMBER (J)

vk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 27th day of February, 2008

ORIGINAL APPLICATION NO.60/2006

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.J.P.SHUKLA, ADMINISITRATIVE MEMBER

Pradeep Avasthy,
Data Entry Operator Group-B,
O/o Director, Census Operation,
6B, Jhalana Doongri,
Jaipur.

... Applicant

(By Advocate : Shri P.N.Jatti)

Versus

1. Union of India through
Registrar General,
2/A, Mansingh Road,
New Delhi.
2. Joint Director, Census,
Directorate of Census Operation,
6B, Jhalana Doongri,
Jaipur.

... Respondents

(By Advocate : Shri V.S.Gurjar)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

The applicant has filed this OA thereby praying for a direction to the respondents to allow upgradation in pay of Ist ACP w.e.f. 9.8.99, with all consequential benefits.

2. The applicant has also filed a representation dated 17.5.2005 (Ann.A/1), which is still pending and has not been decided so far.

3. The matter is squarely covered by the decision rendered by this Tribunal in OA 59/2006 - Chittar Mal v. Union of India & Anr., decided on 4.12.2007, whereby the coordinate bench has made the following observations in paras 2, 3, 5 & 7 :

"2. Without considering the contentions of the parties on the merit of the case, we find that, as an admitted fact, representation filed by the applicant on 17.5.2005 (as pleaded in para-1 of the OA) has not been decided as yet. The specific averment to this effect has not been denied/rebutted by the respondents in para-1 of their reply/counter-affidavit.

3. Considering the nature of the case, we are of the opinion that the departmental authorities shall be in a better position to appreciate the contentions of the applicant as the same may require perusal of original service record, etc. and, therefore, it will be expedient for the departmental authorities to decide the contention of the parties.

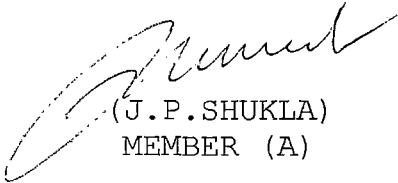
5. The above relief is in the nature of claiming a writ of mandamus. For issuing a writ of mandamus the basic principle is that the aggrieved party has approached the concerned authority for granting relief but it is denied.

7. Consequently, we direct the applicant to file a certified copy of this order alongwith additional representation, if so advised, before the concerned competent authority to decide his representation (referred to in para-1 of the OA) within four weeks from today and if certified copy of this order is filed, as contemplated above, the said authority shall decide the representation/additional representation (as the case may be) by passing a reasoned/speaking order meeting the contentions of the applicant made in the said representation/s, exercising its unfettered representation in accordance with law, within two months of receipt of the certified copy, as stipulated above. The decision taken shall be communicated forthwith to the applicant by registered AD post."


4. The decision rendered by this Tribunal in the case of Chittar Mal (supra) is mutatis-mutandi applicable in the facts and circumstances of the present case. Accordingly, the direction given by

the coordinate bench in para-7 of the aforesaid decision (reproduced above) shall also be applicable in the instant case.

5. The respondents are, accordingly, directed to decide the representation of the applicant in terms of para-7 of the decision rendered in the case of Chittar Mal (supra) within a period of two months from today. The OA shall stand disposed of accordingly with no order as to costs.



(J.P.SHUKLA)
MEMBER (A)



(M.L.CHAUHAN)
MEMBER (J)

vk