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22-11-2011

OA No. 351/2010

Ms. Kavita Bhati, Counsel for applicant.

Mr. Mukesh Agarwal, Counsel for respondents.

Heard.

The O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar

[Anil Kumar]

Member (A)

J.C. S. Rathore

[Justice K.S. Rathore]

Member (J)

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 351/2010

DATE OF ORDER: 22.11.2011

CORAM

**HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**

Ahmed Ali S/o Shri Abdul Gani, aged about years, R/o C-61, Sanjay Nagar, Bhatta Basti, Shashtri Nagar, Jaipur (Retired Operator).

...Applicant

Ms. Kavita Bhati, counsel for applicant.

VERSUS

1. Union of India through its Secretary to the Government of India, Ministry of Urban Development, CPWD, Nirman Bhawan, New Delhi.
2. The Director (Admn.), Directorate General of Works, Central Public Works Department, Nirman Bhawan, New Delhi.
3. The Superintending Engineer (E), CPWD, Jaipur, Central Electrical Division, Nirman Bhawan, Sector-10, Vidhyadhar Nagar, Jaipur-23.
4. The Pay and Accounts Officer (NZ), Ministry of Urban Development, CPWD, East Block-4, Level-6, R.K. Puram, New Delhi - 110066.

...Respondents

Mr. Mukesh Agarwal, counsel for respondents.

ORDER (ORAL)

By way of filing the present Original Application, the applicant has prayed that by an appropriate order or direction, the impugned order dated 13.02.2009 may kindly be quashed and set aside thereby granting the benefit of second ACP in the pay scale of Rs. 4000-6000 w.e.f. 1999 i.e. the date of issuance of notification.



2. Mr. Mukesh Agarwal, learned counsel appearing for the respondents, placed before us an Office Memorandum bearing No. 19/117/2001 (Pt) dated 09th June, 2011 issued by the Director (Admn.), Government of India, Directorate General, Central Public Works Department, New Delhi, submitting that the respondents have now decided to grant the selection grade after completion of 08 years of service to the skilled categories of work charged staff of CPWD/PWD. He further submits that consequent upon the order dated 25.09.2008 of Hon'ble Delhi High Court in CCA No. 07/2001, CM Appeal No. 6185/2008 and CM Appeal No. 99/2001 in Contempt Case No. 295/1993 filed by All India CPWD Employees' Union, selection grade on completion of 08 years service in respect of 6 skilled categories has already been granted vide OM dated 19.02.2009. He also submits that after due deliberations, it has been decided to grant the selection grade in the pay scale of Rs. 330-480 (3rd CPC), Rs. 1200-1800 (4th CPC) and Rs. 4000-6000 (5th CPC) to the left over skilled categories of work charged staff of CPWD/PWD after completion of 8 years of regular service in skilled category after 01.01.1973 i.e. w.e.f. 01.01.1981 or later.

3. Learned counsel appearing for the respondents submits that the said Office Memorandum dated 09th June, 2011 is also applicable to the facts and circumstances of the present case, and he undertakes to provide the similar benefit to the applicant in the light of the said Office Memorandum dated 09th June, 2011. In view of the undertaking given by the respondents' counsel to consider the case of the applicant pursuant to the



aforesaid Office Memorandum dated 09th June, 2011, ^{Since} ~~thus~~ the respondents agreed to grant the benefit of second ACP in the pay scale of Rs. 4000-6000 as claimed by the applicant, this Original Application becomes infructuous.

4. Consequently, this Original Application has become infructuous as the relief claimed by the applicant is being granted at the end of the respondents pursuant to the said Office Memorandum dated 09th June, 2011 with all consequential benefits.

5. It is expected from the respondents to do the needful as stated above pursuant to the aforesaid Office Memorandum dated 09th June, 2011 expeditiously but in any case not later than a period of three months from the date of receipt of a copy of this order.

6. If any grievance is still exists, the applicant will be at liberty to redress the same by way of filing substantive Original Application.

7. With these observations and directions, the present Original Application stands disposed of with no order as to costs.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

K.S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)