

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 12.12.2012

OA No. 797/2012

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

Heard learned counsel for the applicant.

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

Anil Kumar
(ANIL KUMAR)

MEMBER (A)

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

Kumawat

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 797/2012

DATE OF ORDER: 12.12.2012

CORAM

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

K.B. Sharma S/o Shri Kunj Bihari Sharma, by caste Sharma, aged about 62 years, R/o House No. 2312, Near Bad Ka Balaji, Purani Basti, Jaipur, presently working in the office of Assistant Director, National Archives of India, Record Centre 10-A, Jhalana Doongri, Jaipur.

...Applicant

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

VERSUS

1. Union of India through the Secretary to the Govt. of India, Ministry of Culture Information and Broad Casting, Sastri Bhawan, Rajendra Marg, New Delhi.
2. The Director General, Archives of India, Janpath, New Delhi.
3. The Assistant Director of Archives, National Archives of India, Record Centre, 10-A, Jhalana Doongri, Jaipur.

...Respondents

ORDER (ORAL)

Earlier, the applicant had filed O.A. No. 227/2006 before this Bench of the Tribunal and the same was disposed of vide order dated 09th March, 2009. While disposing of this O.A., this Bench of the Tribunal has observed as under: -

"13. Before parting with the matter, we also wish to notice the only judgment cited by the learned counsel for the applicant to substantiate his case. The learned counsel for the applicant has placed reliance upon the decision of the Apex Court in the case of State of Mizoram and anr. Vs. Mizoram Engineering Service Association and anr., JT 2004 (5) SC 516 and argued



that the applicant is entitled to the benefit of ACP of the higher post in terms of the ratio as laid down by the Apex Court in that case. We fail to understand how this judgment is applicable in the facts and circumstances of this case. That was a case regarding not granting pay scale recommended by the Fourth Central Pay Commission which has been accepted by the Government of India to the various officers of the Engineering services working in Mizoram, which report was also accepted by the Mizoram Government, solely on the ground that engineering service is an unorganized service in the State and in the absence of recruitment rules they are not extended pay scale at par with the Central Government employees of the corresponding category, even if the pay scale of the Fourth Central Pay Commission has been accepted by the Government. It was in that context, the judgment was rendered and the Apex Court held that members of the engineer services shall be entitled to the pay scale at par with the pay scale of the Central Government employees as recommended by the Fourth Central Pay Commission, which recommendation has been accepted by the Central as well as by the State Government."

Learned counsel for the applicant submitted that subsequently, the applicant filed O.A. No. 92/2010 before this Bench of the Tribunal.

2. Learned counsel for the applicant further submitted that the respondents have failed to consider the case of the applicant in true and latter spirit in view of the directions issued by this Bench of the Tribunal in OA No. 227/2006 and OA No. 92/2010, therefore, the applicant filed fresh representation dated 11.05.2012 (Annexure A/1) before the Director General, National Archives of India, Janpath, New Delhi. He further submits that the representation dated 11.05.2012 (Annexure A/1) is still pending consideration.

3. In view of this fact, we deem it just and proper that the ends of justice would be met if the respondents are directed to



consider and decide the representation dated 11.05.2012 (Annexure A/1) by way of passing a reasoned and speaking order.

4. Consequently, the respondents are directed to consider and decide the representation of the applicant dated 11.05.2012 (Annexure A/1) on its merit strictly in accordance with the provision of law and pass a reasoned and speaking order expeditiously but in any case not later than a period of three months from the date of receipt of a copy of this order.

5. If any prejudicial order against the interest of the applicant is passed by the respondents, the applicant will be at liberty to challenge the same by way of filing the substantive Original Application as per rules.

6. With these observations and directions, the 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)

kumawat