

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH**

O.A. NO.060/00103/2014

Decided on: 06.02.2014

**Coram: Hon'ble Mr. Sanjeev Kaushik, Member (J)
Hon'ble Mr. Uday Kumar Varma, Member (A)**

Pawan Kumar Jain, Senior Divisional Accounts Officer (Retired), aged about 61 years, son of shri rameshwar Dass Jain and R/o House No. 13432, Street No. 2, Thakur Colony, Bathinda.

.....**Applicant**

Versus

1. Union of India through Comptroller and Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi -110124.
2. Accountant General (A&E), Punjab, Sector 17, Chandigarh.
3. Sh. H.S. Rakesh, Sr. DAO (Retired), House No. 8C, Green Park, Jalandhar.
4. Sh. Parkash Ram, sr. DAO (Retired), House No. 88A, Nagar Enclave , New Officer Colony, Patiala.
5. Sh. Ram Krishan Narwal, Sr. DAO (Retired), House No. C-908, Princess Park apartments, Ahimsa Khand II, Indirapuram, Gaziabad (U.P.)

.....**Respondents**

Present: Mr. Shashi Bhushan Gautam, counsel for the applicant
Mr. Brajesh Mittal, counsel for the official respondents

Order

BY HON'BLE MR. SANJEEV KAUSHIK, MEMBER(J)

1. By way of the present O.A., the following reliefs have been sought:-

"(i) Issue of directions to the Respondents No. 1 & 2 to grant seniority to the applicant on his promotion as

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Divisional Accounts (DAO) Gr. 1 (Level 3) over and above private Respondents 3, 4 and 5 and pay parity with Respondents 4 and 5 with effect from 03.01.2001 onward in terms of DOP&T letter dated 30.01.1997 and further protection of pay so fixed under DOP&T letter dated 21.01.2002.

(ii) Issue of directions to the Respondents No. 1 & 2 to grant seniority over and above Private Respondents 3,4 and 5 and pay parity with Respondent No. 5 with effect from 19.10.2006 following orders of the Apex Court in M. Nagraj case as Divisional Accounts Officer (DAO) Gr. I (Level 3) and subsequently promote applicant as Senior DAO (Level 4) on the principle of catch-up rule before aforesaid Respondents (all retired Sr. DAOs) who, as Scheduled Castes candidates, who were promoted on the basis of consequential seniority gained at Level 3 post DAO-I."

2. At the commencement of the hearing, learned counsel for the applicant submitted that for aforesaid claim, the applicant has represented to the respondents on 11.07.2012 (Annexure A-1), which has not been decided is pending till date. Learned counsel further submitted that the applicant would be content if a time-bound direction is issued to the respondents to consider the above said representation and take a view thereon in accordance with the law.

3. For the order we propose to pass, there is no need to issue notice to the respondents and call for their reply as the relief claimed herein has been restricted only to issuance of a direction to the respondents to decide the representation of the applicant. However, Mr. Brajesh Mittal, learned Standing counsel for the respondents, who is having advance notice, appears and expresses no objection to the disposal of the O.A. in the requested manner.

4. In view of the above, we dispose of the O.A, with a direction to the respondents to take a view on the representation of the applicant by a reasoned and speaking order, within a period of six weeks. As prayed, the respondents shall, while considering the representation of the applicant, take into account the fact and effect of the orders dated 28.04.2010 and 25.05.2010 (Annexures A-13), passed by this Tribunal in the case of Gurmail Ram Vs. Union of India and Others.

5. Needless to say, we have not expressed any opinion on the merits of the case.

6. No costs.

(UDAY KUMAR VARMA)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

PLACE: Chandigarh
Dated: 06.02.2014

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