

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH**

O.A. 060/00387/2014

Decided on: 06.05.2014

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

S.K. Sardana son of Late Shri L.K. Shardana, aged 55 years, resident of House No. 409/5, Sangina Street, Chotta Bazar, Thanesar, Kurukshetra, Haryana Pin -136118.

.....**Applicant**
Versus

1. Union of India through the Secretary to Government of India, Ministry of Defence, New Delhi.
2. Directorate General of Defence Estates, Govt. of India, Ministry of Defence, Ulaanbaatar Marg, Delhi Cantt - 110010.
3. Controller General Defence Accounts Govt. of India, Ministry of Defence, Ulaanbaatar, Delhi Cantt - 110010

.....**Respondents**

Present: Mr. Rohit Sharma, counsel for the applicant

Order (oral)

By Hon'ble Mr. Sanjeev Kaushik, Member(J)

1. This O.A. has been filed by the applicant seeking directions to the respondents to consider and grant him the benefit of non-functional upgradation in the JAG(SG) w.e.f. January, 2006 and NFUC in the SAG from the year 2007 with arrears of pay and allowances and revised retiral dues with arrears thereon, with interest thereon @ 18% per annum.

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2. On the commencement of hearing, learned counsel for the applicant submitted that before approaching this Court, the applicant has already requested the department vide representation dated 05.06.2013 to grant him the benefits which have now been claimed in the present O.A. but the same has not been decided till date.

3. Learned counsel for the applicant submits that earlier the case of the applicant for the grant of relevant benefits was not considered for the reason that his request for VRS was pending and that was decided by the intervention of this Court in O.A. No. 1330/PB/2011 vide order dated 11.12.2012 and by virtue of that order he was deemed to have been retired w.e.f 31.07.2011. Thereafter, the applicant requested the respondents to decide his case for the grant of relevant benefits, as claimed in the present O.A., by making a representation but to no avail. Learned counsel has made a statement at the Bar that the applicant will be satisfied if a direction is issued to the respondents to decide his claim within a time-frame.

4. For the order which we propose to pass in this case, there is no need to issue notice to the respondents and call for their reply as the applicant has asked simply for a direction to take a view on his representation. We make it clear that no purpose would be served if we issue notice to the respondents as the available remedy envisaged under Section 20 of the Administrative Tribunals Act, 1985 has yet not been complied with and sufficient time has passed, therefore, no

prejudice would be caused to the respondents if the O.A. is disposed of at the admission stage itself, without issuing notices to them. There is another angle to see this situation that after notice also the matter is to be disposed of as the respondents have yet not taken any view in the matter.

5. In view of the above, the O.A. is disposed of with a direction to the Competent Authority amongst the respondents to consider and take a view on the representation dated 19.06.2013 (Annexure A-8) of the applicant and pass a reasoned and speaking order thereon, within a period of two months from the date of receipt of a copy of this order.

6. Needless to mention that we have not expressed any opinion on the merits of the case.

7. No costs.

Uday Kumar Varma
(UDAY KUMAR VARMA)
MEMBER (A)

PLACE: Chandigarh
Dated: 06.05.2014

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(SANJEEV KAUSHIK)
MEMBER (J)