

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH**

O.A. No.060/00761/2014

Decided on: 02.09.2014

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

Nand Kumar Seth aged 65 years S/o Sh. Raja Ram Seth, R/O H. No. 468, Labour Bureau Society, Sector 49-A, Chandigarh.

.....Applicant

Versus

1. Union of India through Secretary to Government, Ministry of Social Justice and Empowerment, Shastri Bhawan, New Delhi.
2. National Commission for Scheduled Castes and Scheduled Tribes, 5th Floor, Lok Nayak Bhawan, Khan Market, New Delhi through its Secretary.
3. Director, National Commission for Scheduled Castes and Scheduled Tribes, State Office, 6th Floor, Kendriya Sadan, Sector 9-A, Chandigarh.

.....Respondents

Present: Mr. R.C. Sharma, counsel for the applicant

Order (Oral)

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


1. By way of the present O.A., the applicant has sought issuance of a direction to the respondents to grant him the benefit of second financial upgradation as per the ACP Scheme of 1999 and place him in the pay scale of Rs.8000-13500, on completion of 24 years of service on 31.10.2007, along with consequential benefits.



2. In support of the claim, learned counsel for the applicant submits that the applicant had made a representation dated 29.11.2007 (Annexure A-3) to the respondents to accept his valid claim and grant the relevant benefits. In pursuance thereof, Respondent No. 3 forwarded the case of the applicant to Respondent No. 1 but till date neither the benefits have been granted to him nor has any communication in the context been supplied to him. It is also submitted that it was only after an application made by the applicant for certain information under the RTI Act that the Respondent No. 1 directed the Respondent No. 2 to send the ACRs of the applicant. In support of the averment, attention is drawn towards a letter dated 22.05.2014 (Annexure A-12).

3. Learned counsel of the applicant submits that the applicant would be satisfied if the O.A. is disposed of with a direction to the respondents to decide his representation (Annexure A-3) in a time-bound manner.

4. In view of the limited prayer of the applicant and for the order we propose to pass, there is no need to issue notice to the respondents and call for their reply. Moreover, the respondents have not yet taken a view on the representation, which they are bound to do as per the Section 20 of the Administrative Tribunals Act, 1985, therefore, no prejudice would be caused to them by non-issuance of




notice and in any case a litigant is expected to firstly avail the departmental remedy and only then approach this Tribunal.

5. Accordingly, the O.A. is disposed of, without going into the merits of the case, with a direction to the respondents to consider the representations (Annexures A-3) and take a view in accordance with law, within two months from the date of receipt of a copy of the order. If the applicant is found entitled to the relevant benefits, the same may be granted to him, otherwise a speaking and reasoned order be passed on his claim and a copy thereof shall be communicated to the applicant. Needless to say that 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: 02.09.2014

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