

ORAL

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD

(This the **14th Day** of **November**, 2018)

Hon'ble Mr. Justice Bharat Bhushan, Member (Judicial)
Hon'ble Mr. Mohd. Jamshed, Member (Administrative)

Original Application No.330/297/2013
(U/S 19, Administrative Tribunal Act, 1985)

Ghanshyam Bahadur Srivastava son of Sri R.C. Srivastava, Resident of Village-Jallupur, Post – Karaunidi, District-Allahabad.

..... **Applicant**

By Advocate: Shri Anubhav Chandra

Versus

1. Union of India, through Secretary, Ministry of Defence, New Delhi.
2. Engineer-in-Chief, Military Engineering Services, New Delhi.
3. Commandor Works Engineer, Military Engineering Services, Behind High Court Building, Allahabad.

..... **Respondents**

By Advocate: Shri Sunil proxy counsel to Shri Saurabh

ORDER

Delivered by Hon'ble Mr. Justice Bharat Bhushan, Member (Judicial)

Shri Anubhav Chandra, Advocate, is present for the applicant.

Shri Sunil proxy to Shri Saurabh, Advocate is present for the respondents.

2. Present Original Application (OA) has been filed by the applicant under Section 19 of the Central Administrative Tribunals Act, 1985 for the following relief(s):-

***"a. to issue an appropriate order or direction
commanding the opposite parties to grant the applicant***

pay Band of Rs.2800 w.e.f. 1.1.2006 in Scale of Rs.9300-34800 w.e.f. February 2008 with pay band of Rs.4200/-

b. to issue an order of direction commanding the opposite party No.3 to take appropriate and legal action on the grievance of the applicant by considering the legitimate claim of the applicant as detailed above.

c. to issue any other order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."

3. Since there is a delay in filing the aforesaid OA, counsel for the applicant has also filed **Misc. Delay Condonation Application No.330/1230 of 2013** for condonation of delay and stated that issue involved in this OA is a recurring one and therefore, delay in filing the OA is liable to be condoned.

4. We have perused the Delay Condonation Application. The grounds mentioned in the same shows sufficient. Accordingly, the M.A. No.330/1230/2013 is allowed and delay in filing the OA is hereby condoned.

5. Counsel for the applicant, further, submitted that the case of the applicant is similar to the applicant of OA No.330/307/2013 (Jeet Narain vs. UOI & Ors.) decided on 30.05.2018 and applicant of OA No.842/PB/2012 (MES-507763 Sh. Tilak Raj Sharma, FCM & Ors. vs. UOI & Ors.) connected with other OAs decided on 12.12.2013 copy of the same is also supplied during the course of argument. He has also submitted that applicant will be satisfied if similar order is given in the instant OA as well.

6. Counsel for the respondents stated that he has no objection to decide the case of the applicant in the light of the direction as given in the aforementioned OAs.

7. We have gone through the order dated 30.05.2018 passed by this Tribunal in OA No.307 of 2013 as well as order dated 12.12.2013 passed in OA No.842/PB/2012 by which the respondents are directed to decide the representation of the applicant by passing a reasoned and speaking order in time bound manner.

8. Accordingly, the instant OA is also disposed off with the direction to the respondents/Competent Authority to decide the representation of the applicant dated 04.08.2011 (Annexure A-1) in the light of the order dated 30.05.2018 passed by this Tribunal in OA No.307 of 2013 as well as order dated 12.12.2013 passed in OA No.842/PB/2012 by passing a reasoned and speaking order within two months from the date of receipt of a certified copy of this order. Needles to say that we have not expressed any opinion on the merits of the case. No costs.

(Mohd. Jamshed)
Member (A)

(Justice Bharat Bhushan)
Member (J)

Sushil