

Central Administrative Tribunal Principal Bench, New Delhi

O.A.No.161/2018

Monday, this the 15th day of January 2018

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)

Bajrang Lal Sharma
(Group B), JE (E)
s/o late Shri G C Sharma
aged 61 years retired on 31.1.2017
from CPWD
r/o WZ 147, Palam Vill, New Delhi – 45

..Applicant

(Mr. Padma Kumar S, Advocate)

Versus

1. Union of India through the Secretary
Ministry of Urban Development
Nirman Bhawan, New Delhi – 110 011
2. Director General
Central Public Works Department
Nirman Bhawan
New Delhi – 110 011
3. Superintending Engineer (Electrical)
CPWD
Delhi Central Electrical Circle IX
East Block I
R K Puram, New Delhi
4. Executive Engineer (Electrical Engineer)
CPWD
Delhi Central Electrical Circle VII
East Block I
R K Puram, New Delhi

..Respondents

(Mr. Trilok Singh, Advocate for Mr. Subhash Gosain, Advocate)

O R D E R (ORAL)

Justice Permod Kohli:

Notice. Mr. Trilok Singh for Mr. Subhash Gosain, learned counsel,
appears and accepts notice on behalf of respondents.

2. The applicant joined the Central Public Works Department (CPWD) as Junior Engineer (Electrical) on 07.11.1979. In the year 1991, the pay scale of Junior Engineer was ₹425-700 on the basis of the recommendations of the 3rd Central Pay Commission (CPC). Under the 4th CPC, it was revised to ₹1400-2300, with a stipulation that those who have completed five years regular service from their direct entry would be granted the pay scale of ₹1640-2900. The applicant was promoted on *ad hoc* basis vide order dated 06.05.1992 and was posted out to Leh, Jammu & Kashmir under the Srinagar Central Electrical Division where he joined on 30.06.1992 in the pay scale of ₹2000-3500. His pay was accordingly fixed at ₹2120/- w.e.f. 30.06.1992 vide order dated 27.11.1992. The applicant was repatriated to his parent department and posted at Srinagar Central Electrical Division, Jammu as Junior Engineer vide DGW office order dated 14.06.2006. The pay of the applicant was not fixed as per the earlier pay scale granted to him. It is stated that the applicant was denied the pay scale of ₹2000-3500, which is available to the Junior Engineers with fifteen years of regular service and his pay has been reduced from the Grade Pay of ₹4600/- to that of ₹4200/- vide order dated 08.09.2011. The applicant eventually retired from service on 31.01.2017. He made a representation dated 03.12.2015 for grant of pay scale of ₹2000-3500 on completion of fifteen years of regular service, which was due to him on 14.12.1994. The said representation was followed by Public Grievance Petition Regn. No.AADMN/P/2017/00004 dated 19.01.2017, which was considered by the Public Grievance Cell in the office of the Superintending Engineer (E), Delhi Central Electrical Circle-9,

CPWD, and vide the impugned communication dated 10.03.2017, following was conveyed to the applicant:-

“(d) The matter regarding seeking guidance on some points from directorate office has been sent vide this office earlier letter No.8(5)/DCEC-9/891 Dt. 08.09.2016 to grant time scale after completion of 15 years on 14.12.1994. After that some information was sought on some points vide directorate office letter No. C-1101404/2016-EC-6/1948 Dt 30.12.2006 which was sent vide this office letter No.8(5)/DCEC-9/58 Dt. 13.01.2017. But no direction has been received so far on point from 2.1 to 2.4 of letter dt. 30.12.2016, action will be taken after getting these clarifications (photocopy enclosed.)”

It is against this communication that the present O.A. has been filed by the applicant.

3. From the perusal of the communication, we find that no decision has been taken on the claim of the applicant as also his petition for want of certain information.

4. In the given circumstances, we dispose of this O.A. at the admission stage itself with a direction to respondent No.2 to examine and consider the Public Grievance Petition of the applicant on the basis of the record, including the clarifications, which may be asked for immediately, and take decision on the claim of the applicant within a period of two months from the date of receipt of a copy of this order by passing a reasoned and speaking order.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

January 15, 2018
/sunil/