

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 99/2018

New Delhi, this the 10th day of January, 2018

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)

Smt. Chanchal Kumari, MES No.6966412
Aged about 58 years (DOB 7.11.1959)
W/o Late Shri Raj Kumar
D/o Late Shri Satpal Agarwal
Presently working as "Office Supdt." Gp 'C' Cadre
In the establishment of HQ CWE (2) Meerut Cantt
R/o Sun City Colony, Opp. Kuber School
Roorkee Road, Meerut (UP). .. Applicant

(By Advocate: Shri V.P.S. Tyagi)

Versus

1. The Union of India (Through Secretary)
Ministry of Defence,
South Block,
New Delhi-110001.
2. The Director General (Pers),
EID PC (PP and Sub) MES,
Engineer in Chief Branch,
IHQ of MoD (Army),
Kashmir House, Rajaji Marg,
New Delhi-110011.
3. The Controller General of Defence Accounts
(CGDA),
Ulan Batar Marg,
Palam, Delhi Cantt.110010.
4. The HQ CE (MES),
Central Command,
Lucknow PIN-90450
C/o 56 APO.

5. The HQCE (MES),
Bareilly Zone Sarvatra Bhawan,
Station Road,
Bareilly Cantt. (UP).
6. The Controller of Defence Accounts (Army),
(CDA) Army,
Belvadier Complex,
Meerut Cantt-250001.
7. The Commander Work Engineer (2),
Boundary Road,
Meerut Cantt-250001. .. Respondents

(By Advocate : Shri Vidya Sagar for Shri H.K. Gangwani)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard Shri V.P.S. Tyagi, learned counsel for the applicant and Shri Vidya Sagar proxy for Shri H.K. Gangwani, learned counsel appeared on behalf of the respondents on receipt of advance notice.

2. The applicant, an Office Superintendent in the Establishment of HQ CWE (2), Meerut Cantt., filed the O.A. seeking the following relief(s):

- “(a) Quash and set aside the impugned orders dated 18.05.2017 of the Respondents, which are unreasonably holding implementation of the Govt. sanction by the Audit/Accounts Authorities.
- (b) Direction may be issued to the Audit/Account Authorities who are responsible for holding up the implementation of Govt. order merely on the plea of the fact that matter is pending with DOP&T.
- (c) Direct also the DOPT to expedite clarification on the issue within a time bound limit and in the meanwhile, the Applicants fixation of pay by counting the requisite service in lieu of combatant need be allowed for computation of

Arrears of Pay Allowance with payment of interest @ 12% p.a.

- (d) Pass any order or direction as deemed appropriate in the facts and circumstances of the case with award of the cost of this OA in favour of the Applicant against the respondents.”

3. A bare perusal of the impugned order dated 18.05.2017 indicates that the claim of the applicant is not rejected by the respondents but, on the other hand, the matter regarding grant of ACP/MACP is pending before the Ministry of Defence and appropriate orders will be passed on receipt of directions from the Ministry of Defence.

4. In the circumstances, the O.A. is disposed of at the admission stage itself, without going into the other merits of the case, by directing the respondents to take a final view on the claim of the applicant and to pass appropriate reasoned and speaking order thereon, within three months from the date of receipt of a copy of this order and to communicate the same to the applicant. No order as to costs.

Let a copy of the O.A. be enclosed to this order.

(NITA CHOWDHURY)
Member (A)

(V. AJAY KUMAR)
Member (J)

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