

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 100/2018

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

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

No.14690929, P. Buragohain (WSG)
Aged about 61 years (DOB 01.08.1956)
S/o Late Shri Gopal Buragohain
Presently superannuated w.e.f.. 31.07.2016
While working as SSS Gp 'C' Cadre
and posted in 510 Army Base Workshop
Meerut Cantt. (UP)
R/o House No.42, Gali No.14,
Sainik Nagar, Kasampur,
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 Directorate General of EME (Civ)
Master General of Ordnance
(MGO) Branch AHQ,
IHQ of MoD Army,
DHQ PO New Delhi-110011.
3. The Controller General of Defence Accounts
(CGDA),
Ulan Batar Marg,
Palam, Delhi Cantt.110010.
4. The Controller of Defence Accounts
(CDA) Army,
Belvadier Complex,
Meerut Cantt-250001.

5. The Commander,
510 Army Base Workshop,
Meerut Cantt. .. Respondents

(By Advocate : Shri S.M. Zulfiqar Alam)

ORDER (ORAL)

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

Heard Shri V.P.S. Tyagi, learned counsel for the applicant and Shri S.M. Zulfiqar Alam, learned counsel appeared on behalf of the respondents on receipt of advance notice.

2. The applicant, a retired SSS from the establishment of 510 Army Base Workshop, 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.** and the Applicant’s Pension need also be refixed accordingly with payment of Arrear and 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)

/Jyoti/