

**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA-3063/2014

New Delhi this the 27th day of May, 2016.

Hon'ble Sh. V. Ajay Kumar, Member (J)
Hon'ble Mr. Shekhar Agarwal, Member (A)

S.S. Rawat (Retd.) Hindi Translator (Jr.),
Aged about 64 years,
S/o late Sh. Sultan singh Rawat,
6- Saraswati Vihar,
Raipur Road,
Dehradun.
(By Advocate : Sh. M.K. Bhardwaj)

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Applicant

Versus

1. Secretary,
Ministry of Environment and Forests,
Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi-110003.
2. Director (Official Language),
Ministry of Environment and Forests,
Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi-110003.
3. Director,
Indira Gandhi National Forest Academy,
P.O. New Forest, Dehradun.
4. Additional Director,
Indira Gandhi National Forest Academy,
P.O. New Forest, Dehradun.
5. Shri Brahmjit Singh, UDC,
Indira Gandhi National Forest Academy,
P.O. New Forest, Dehradun.
(By Advocate : Sh. H.K. Gangwani)

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Respondents

ORDER (ORAL)

Mr. V. Ajay Kumar, Member (J)

Heard both sides.

2. The applicant retired as Hindi Translator from the 4th respondent (Indira Gandhi National Forest Academy, Dehradun) on 30.11.2010. He has filed the present OA aggrieved by the impugned order dated 30.06.2014 whereby the respondents have withdrawn the 1st financial upgradation, which was earlier granted to him vide order dated 16.05.2001 in the pay scale of Rs. 6500-200-10500, on the ground that the same was wrongly granted to him in view of the Clarification No. 56 of DoPT OM No. 35034/1/97-Esst. (D) (Vol. IV) dated 18.07.2001 under the ACP Scheme dated 09.08.1999, instead of Rs. 5500-175-5000.

3. At the outset, the learned counsel for the applicant submits that the said Clarification No. 56 was considered by a Full Bench of this Tribunal at New Delhi in OA No. 557/2004 dated 16.02.2005 whereunder it was held that Clarification No. 56 dated 18.07.2001 issued by the DoPT will have the effect of rendering Condition No. 7 of the ACP Scheme as redundant and it cannot take away the right that has been accorded to the Govt. servant and accordingly he is entitled for granting the reliefs claimed in the OA. It is noticed that the applicant has not made any representation against the impugned office order dated 30.06.2014.

4. In the circumstances and as agreed by counsels for both the sides, we dispose of this OA by permitting the applicant to make an

appropriate application against the aforesaid impugned Office Order dated 30.06.2014 by duly furnishing the copy of the order of Full Bench of this Tribunal in OA No. 557/2004 dated 16.02.2005, within two weeks from the date of receipt of a certified copy of this order and on receipt of such a representation from the applicant, the respondents shall consider the same and pass appropriate speaking and reasoned orders thereon within 90 days therefrom, in accordance with law.

The interim order for stay of recovery granted in this OA shall be in force till the respondents dispose of the representation of the applicants. No order as to costs.

(Shekhar Agarwal)
Member (A)

/ns/

(V. Ajay Kumar)
Member (J)