

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 3860/2015

New Delhi, this the 10th day of February, 2016.

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. P.K. BASU, MEMBER (A)

Ganga Bahadur Khawas,
S/o Shri N.S. Khawas,
Ex. SFA(V), Aged about 62 years,
R/o Village Tirsulay Nagri T.E.
P.O. Nagri Spur,
District Darjeeling (W.B.).

.. Applicant

(By Advocate : Shri Ramesh Rawat with Shri Rajeev Khurana)

Versus

1. Union of India & Ors. through
The Secretary,
Ministry of Finance,
North Block, New Delhi.
2. The Secretary,
Department of Expenditure,
Ministry of Finance,
North Block, New Delhi.
3. The Director General,
Sashastra Seema Bal,
East Block, R.K. Puram,
New Delhi-110066.

.. Respondents

ORDER (ORAL)

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

Heard the learned for the applicant.

2. The applicant, a retired Senior Field Assistant, filed the present O.A. seeking the following relief(s):

“(a) The Hon’ble Tribunal may, on the basis of the law laid down by the Apex Court in the case of Amrit Lal Berry

(supra) and other decisions cited in para 5 and also endorsing the recommendations of the Firth Pay Commission as contained in para 126.5 thereof (extracted in para 5 above) be pleased to declare that the decision in the case of OA No.1046 of 2012 and OA No. 2219 2012 (Annexure A-2) and other O.As. referred to hereinabove shall equally apply to all those FAs, SFA and AFO/Accountants who are similarly situated as the applicants therein and it be also held that in the case of applicants who are functioning as FAs, but who have already been afforded the ACP/MACP benefits, their Grade Pay should be afforded the Grade Pay of Rs.2400/-. Similarly, it be also declared that those of the SFAs who have been afforded the financial benefit under the MACP Scheme bringing their Grade Pay to that of AFO should be afforded the grade pay of Rs.2800/-. Similarly AFO who have been granted the benefit of ACP should be afforded the Grade pay of Rs.4200/-.

This Hon'ble Tribunal may further be pleased to hold that while revising the grade pay and afford the same to the applicants herein, the respondents shall take into account the Fitment Table for such fixation and work out the pay due to the applicants accordingly. It be further declared that the applicants are entitled to arrears of pay and allowances arising out of such revision of the Grade Pay with effect from 01-01-2006 and the same be paid with interest at a rate prevalent as interest rate on Fixed Deposits in any of the Nationalized Banks.

Time for execution of the order of the Tribunal be also calendared.

Or

In the alternative, the respondents be directed to consider the pending representation (Annexure A-1) in the light of the law laid down by the Apex Court in the case of **Amrit Lal Berry vs CCE (1975) 4 SCC 714** and other cases referred to in para 126.5 of the recommendations of the Fifth Pay Commission within a time frame as may be calendared by the Tribunal and further to act on the basis of the decision so arrived at. Should the representations be rejected for any plausible reason, the respondents be directed to pass a

reasoned and speaking order within the aforesaid time frame.

Cost of this O.A. be also allowed in favour of the applicants and against the respondents.

The Hon'ble Tribunal may be pleased to pass such other suitable order or orders as the Tribunal may deem fit to meet the ends of justice.”

3. It is submitted that the applicant made a representation vide Annexure A-1 (undated) ventilating his grievances to the respondents. However, the respondents have not passed any orders thereon till date.

4. It is further submitted that the respondents have granted the relief similar to the relief claimed in the O.A. to number of similarly situated persons in pursuance of the judgments enclosed to the O.A. at Annexure A-1 to A-9.

5. In the circumstances, the O.A. is disposed of at the admission stage, without going into the merits of the case, by directing the respondents to consider Annexure A-1 representation of the applicant and to pass appropriate speaking and reasoned orders thereon, in accordance with law, within 90 days from the date of receipt of a copy of this order. No order as to costs.

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

(P.K. BASU)
Member (A)

(V. AJAY KUMAR)
Member (J)

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