

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 4436/2018

The 4th day of December, 2018

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. PRADEEP KUMAR, MEMBER (A)**

Vijay Kumar Kambiri, aged 60 years,
S/o Late Sh. Prem Narain Kambiri,
Retired Assistant Accounts Officer,
From O/o Chief Controller of Accounts,
North Block, New Delhi,
R/o A-1, Sushant Lok-II, Sector-55,
Gurgaon (Har).

.. Applicant

(By Advocate : Ms. Sonika Gill for Shri Yogesh Sharma)

Versus

1. Union of India through
The Secretary,
Ministry of Finance,
Govt. of India, North Block,
New Delhi.
2. The Chief Controller of Accounts,
Ministry of Finance,
North Block,
New Delhi.
3. The Secretary,
Department of Personnel & Training,
Govt. of India,
North Block,
New Delhi. .. Respondents

(By Advocate : Shri Manjeet Singh Reen)

ORDER (ORAL)**By Mr. V. Ajay Kumar, Member (J)**

Heard Ms. Sonika Gill proxy for Shri Yogesh Sharma, learned counsel for the applicant and Shri Manjeet Singh Reen, learned counsel appeared on behalf of the respondents on receipt of advance notice.

2. The applicant, a retired Assistant Accounts Officer, filed the O.A. seeking the following relief(s):

- "(i) That the Hon'ble Tribunal may graciously be pleased to pass an order declaring to the effect that action of the respondents not granting 3rd financial upgradation to the applicant on completion of 20 years of service from the date of first promotion is illegal, unjust and arbitrary and consequently, pass and order directing the respondents to grant 3rd financial upgradation of the applicant under MACP scheme w.e.f. 1.9.2008 with all the consequential benefits, including revision of retirement benefits with interest and refund of recovered amount from the gratuity with interest.
- (ii) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondent No.3 to remove the anomaly between the employees of same category between those who promoted before completion of 30 years of service and who promoted after completion of 30 years of service and consequently, pass an order directing the respondents to grant revised Grade Pay of Rs.5400/- as 3rd financial upgradation from the date of 2nd promotion of the applicant i.e. w.e.f. 15.11.2017 with all the consequential benefits.
- (iii) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicant."

3. It is submitted that the applicant made a representation on 21.03.2018 followed by another reminder on 14.05.2018 (Annexure

A/1 Colly.) ventilating his grievances to the respondents. However, no orders have been passed thereon till date.

4. Shri Manjeet Singh Reen, learned counsel appearing for the respondents, submits that the relief claimed by the applicant itself indicates that the cause of action for the O.A. arose on 01.09.2008, from which date he is claiming the relief, whereas he preferred the 1st representation on 21.03.2018 and, hence, the O.A. is liable to be dismissed on the ground of limitation as well as on the other grounds.

5. Once an employee prefers a representation, it is the bounden duty of his employer or former employer to consider the same and pass an appropriate order within a reasonable time. It is open for the respondents, while considering the same, to give the reasons for their action.

6. In the circumstances, the O.A. is disposed of at the admission stage itself, without going into the merits of the case, by directing the respondents to consider Annexure A/1 (Colly.) representations of the applicant and to pass appropriate reasoned and speaking orders thereon, in accordance with law, within 90 days from the date of receipt of a certified copy of this order. However, it is made clear that this order shall not be construed that the applicant is

exempted from any of the provisions of law, including limitation. No order as to costs.

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

(PRADEEP KUMAR)
Member (A)

(V. AJAY KUMAR)
Member (J)

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