

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No.180/00819/2014

Thursday, this the 5th day of April, 2018

CORAM:

Hon'ble Dr.K.B.Suresh, Judicial Member
Hon'ble Mr.E.K.Bharat Bhushan, Administrative Member

M.I.Shibu
S/o.K.Idiculla
Junior Engineer (Civil), Central Public Works Department
Calicut Central Division, Kendriya Bhavan
Kallai P.O, Calicut-673 003
Residing at: "BETHEL", No.2, SPRING VIEW, Chilavoor P.O
Calicut – 673 571 **Applicant**

(By Advocate – Mr.T.C.G Swamy)

V e r s u s

1. Union of India, represented by Secretary to the Government of India, Ministry of Urban Development & Poverty Alleviation
Nirman Bhawan, New Delhi – 110 011
2. The Director General of Works
Central Public Works Department\\
Nirman Bhawan, New Delhi – 110 011
3. The Executive Engineer
Calicut Central Division
Central Public Works Department
Kendriya Bhavan, II Floor
Dutt Saw Mill Road, Kallai P.O
Calicut – 673 003
4. The Pay and Accounts Officer (IAW)
Ministry of Urban Development
Office of the Deputy Controller of Accounts (S)
Internal Audit Wing, 2nd Floor
Shastry Bhavan Annexe
26, Haddows Road, Chennai – 600 006 **Respondents**

(By Advocate – Mr.Thomas Mathew Nellimoottil,Sr.PCGC)

This Original Application having been heard on 5.4.2018, the Tribunal on

the same day delivered the following:

O R D E R (ORAL)

*Per: **Dr.K.B.Suresh, Judicial Member***

Applicant submits that he agrees categorically that the fixation done on 17.8.1994 by the respondents is correct and therefore the respondents will be eligible to re-modulate and recalculate the benefits available to the applicant.

2. In regard to the 2nd group of issue, it is submitted that it is covered by our own order in O.A 180/569/14 dated 3.4.2018 and therefore, though this Original Application is allowed partly holding that our order so far as applicable to the applicants therein may be granted to the applicant for his benefit within three months from the date of receipt of a copy of this order. Fixation may be done from 17.8.2016. But then it is made clear that both these factors may be combined together and the respondents will pass a speaking order for a fresh fixation. The Original Application is allowed as above. No costs.

**(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

**(DR.K.B.SURESH)
JUDICIAL MEMBER**

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List of Annexures

Annexure A-1 - True copy of letter bearing No.G.25022/IAW/SZ/MOUD/CH/2013-14/143 dated 4.11.2013/2.12.13, issued by the 4th respondent addressed to the 3rd respondent

Annexure A-2 - True copy of Office Memo bearing No.18/1/92-Exam dated 15.6.94 from the office of second respondents

Annexure A-3 - True copy of letter bearing No.8(13) 94/BCC/E.I/2894 dated 12 Sep 1994, issued by the Executive Engineer (HQ), CPWD, Bangalore

Annexure A-4 - True copy of Office Order bearing No.8(13)/95/BCC/E.I/2040 dated 23.6.95, issued by the Executive Engineer (HQ), CPWD, Bangalore

Annexure A-5 - True copy of Office Order bearing No.179/2007 dated 23.10.2007, a true copy of which issued from the office of the 2nd respondent

Annexure A-6 - True copy of Pay fixation table dated 9.1.2009 issued by the Executive Engineer, Trichur Central Division, CPWD, Trichur

Annexure A-7 - True copy of Office Memorandum bearing No.61(33)/CLT CD/2011/447 dated 14.7.2011, issued by the 3rd respondents

Annexure A-8 - True copy of representation dated 29.7.2011, addressed to the 3rd respondent

Annexure A-9 - True copy of FR.22(1)(a)(1)

Annexure A-10 - True copy of Office Memorandum bearing F.No.1/1/2008-1C dated 13.9.2008, issued by the Government of India, Ministry of Finance, Department of Expenditure-(Clarification No.3 and Clarification No.6)

Annexure A-11 - True copy of Ministry of Finance, Department of Expenditure, Implementation Cell U.O. No.10/1/2009-IC dated 14.12.2009 (Clarification 2(c))

Annexure A-12 - A true copy of the order dated 3.2.2014 in O.A No.1221/2013 rendered by this Tribunal

Annexure A-13 - A true copy of representation submitted by the applicant to the 3rd respondent dated 2.3.2014

Annexure A-14 - A true copy of letter bearing No.8(1)/CLTCD/2014/7 dated 2.4.2014 issued by the 3rd respondent.

Annexure A-15 - Letter bearing No.8(1)CLTCD/2014/493 dated 9.9.2014 issued by the third respondent, communicating the order bearing no.C-18013/9/2014-EC VI/1016 dated 29th August 2014 issued from the office of the second respondent

Annexure A-16 - A true copy of order bearing No.480-Entt-I/133-2011 dated 13 June 2011, issued from the office of the Comptroller & Auditor General of India, New Delhi

Annexure R-1 - True copy of letter No.G-25022/306/IX/7/IAUD/CH/2011-12 dated6.2011

Annexure R-2 - True copy of letter No.61(33) CLCTD/2011/447 dated 14.7.2011

Annexure R-3 - True copy of letter dated 29.7.2011

Annexure R-4 - True copy of letter No.61(33)/CLTCD/1079 dated 20.12.2011

Annexure R-5 - True copy of letter No.25022/IAW/SZ/MOUD/CH/2013-14/143 dated 4.11.2013/2.12.2013

Annexure R-6 - True copy of letter No.8(6)/94/Coord/SZ/1541 dated 5.8.1994

Annexure R-7 - True copy of letter No.8(13)/95/BCC/EI/2040 dated 23.6.1995

Annexure R-8 - True copy of letter No.8(1)/CLTCD/2014/166 dated 23.5.2014

Annexure R-9 - True copy of No.C-18013/9/2014-EC VI/1016 dated 29.8.2014

Annexure R-10 - True copy of letter No.8(1)/CLTCD/2014/493 dated 9.9.2014

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