

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

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| Annexure R-2
14.7.2011 | - | True copy of letter No.61(33) CLCTD/2011/447 dated |
| Annexure R-3 | - | True copy of letter dated 29.7.2011 |
| Annexure R-4
20.12.2011 | - | True copy of letter No.61(33)/CLTCD/1079 dated |
| Annexure R-5
14/143 dated 4.11.2013/2.12.2013 | - | True copy of letter No.25022/IAW/SZ/MOUD/CH/2013- |
| Annexure R-6
5.8.1994 | - | True copy of letter No.8(6)/94/Coord/SZ/1541 dated |
| Annexure R-7
23.6.1995 | - | True copy of letter No.8(13)/95/BCC/EI/2040 dated |
| Annexure R-8
23.5.2014 | - | True copy of letter No.8(1)/CLTCD/2014/166 dated |
| Annexure R-9
29.8.2014 | - | True copy of No.C-18013/9/2014-EC VI/1016 dated |
| Annexure R-10
9.9.2014 | - | True copy of letter No.8(1)/CLTCD/2014/493 dated |

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