

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

O.A No.2599/2018

New Delhi, this the 13th day of July, 2018

**Hon'ble Mr. Justice Dinesh Gupta, Member (J)
Hon'ble Ms. Praveen Mahajan, Member (A)**

Sh. G. D. Kukreti (Group 'B' post)
S/o. Sh. N. D. Kukreti,
Aged about 59 years,
R/o. D-119A, Lajpat Nagar, Sahibabad,
Distt : Ghaziabad (U.P) and
Working as Chemist Grade-I in
Quality Control Laboratory,
FNB (NR), 10/11, Jamnagar House,
New Delhi.

...Applicant

(By Advocate : Mr. S. S. Tiwari)

Versus

1. Union of India,
Through Secretary,
M/o. Women and Child Development,
6th Floor, Wing-A, Shastri Bhawan, New Delhi.
2. Secretary,
Department of Personnel & Training,
M/o. Personnel, Public
Grievances and Pensions,
North Block, New Delhi.
3. Joint Secretary (Food & Nutrition Board)
M/o. Women and Child Development,
6th Floor, Wing – A, Shastri Bhawan, New Delhi.
4. Under Secretary (FNB),
M/o. Women and Child Development,
3rd Floor, Jeevan Vihar Buildings,
Parliament Street, New Delhi – 1.
5. Joint Technical Advisor, (FNB), (Head Quarters),
M/o. Women and Child Development,
3rd Floor, Jeevan Vihar Building,
Parliament Street, New Delhi -1. ...Respondents

(By Advocate : Mr. Vijender Singh)

O R D E R (O R A L)

Justice Dinesh Gupta, Member (J) :

Heard Mr. S. S. Tiwari, learned counsel for the applicant and Mr. Vijender Singh, learned counsel for the respondents.

2. The applicant joined service in the respondents department as Chemist Grade-I. When the respondents fixed his pay in the pay scale of Rs.6500-10,000/-, some of the applicants challenged the order and filed the Original Application No. 477/2007 which was allowed and attained finality when the SLP filed by the respondents department was dismissed.

3. The respondents further promoted the applicant, re-fixed his pay and also calculated the arrears. However, the said calculation and fixation was subject to outcome of the SLP filed by the respondents. The SLP was dismissed on 20.01.2016. The applicant also moved representation for all his arrears of pay but the respondents have not taken any decision on the said representation. However, another person obtained information under RTI and the department replied to that person that such benefit will be extended only to those persons who were party in the litigation, on the basis of the DoP&T advice. Then, the applicant preferred this Original application.

4. Counsel for applicant prayed that a direction may be issued to the respondents to decide his representation by a reasoned and speaking order considering the judgment passed by this Tribunal in O.A 477/2007, which attained finality and extend the benefit of the said judgment to the applicant who is a similarly situated person. Counsel for applicant submitted that he is not aware whether any such representation is moved or not for which he seeks some time to obtain instructions.

5. No useful purpose will be served in keeping the O.A pending. The respondent no. 3 i.e., the competent authority is directed to decide the representation of the applicant dated 08.01.2018 by passing a speaking order taking into consideration the decision of this Bench in O.As. No. 477, 478, 479 and 480 of 2006 and other O.As in the light of which it attained finality up to the Apex Court and if the applicant is found squarely covered by the judgment then, same benefit shall also be extended to him. This exercise will be completed within 90 days. With the above direction the O.A stands disposed of. No costs.

It is made clear that we have not entered into merits of the case.

(Praveen Mahajan)
Member (A)

(Justice Dinesh Gupta)
Chairman

/Mbt/