

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00708/2018

Chandigarh, this the 11th day of July, 2018

...
**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)**

...

Faquir Singh, aged about 68 years, S/o Late Sh. Hazoor Singh, resident of House No. B-1/494, Garg Colony, Kalka Road, Old Rajpura, District Patiala (Punjab) (Group -C)

....Applicant

(Argued by: Mr. Aman Sharma, Advocate, proxy for Mr. Rajnish K. Gupta, Advocate)

Versus

1. Union of India, Ministry of Defence, Military Engineering Department, Near Kala Gram, Chandigarh through its Authorised Zonal Officer.
2. Garrison Engineer (Utility) Military Engineering Service, Bhatinda Mill Station, Bhatinda (Punjab)
3. Commander Work Engineer, Military Engineering Service, Bhatinda.
4. Chief Engineer, Zone Bhatinda, Military Engineering Service, Bhatinda.

.....

Respondents

**ORDER (Oral)
SANJEEV KAUSHIK, MEMBER (J)**

1. The present O.A. has been filed by the applicant, seeking issuance of a direction to the respondents, to fix the his pay w.e.f. 20.05.2013 i.e. from the date of promotion as MCM Electric Trade and revise his pension accordingly.
2. Learned counsel submitted that when the respondents did not fix pay of the applicant, consequent to his promotion, then he served a legal notice dated 11.10.2017 (Annexure A-5) on the respondents. The respondents replied to the legal notice, vide letter dated 15.12.2017 (Annexure A-7), wherein they admitted the fact that they did not fix the pay of the applicant on his promotion, as reflected on page 59 of the paper-book, which is a comparative

chart of pay fixation. He contends that the respondents still have not redressed grievance by re-fixing the pay of the applicant. Therefore, learned counsel prays that the respondents be directed to re-fix the pay of the applicant from the due date, as shown in their own comparative chart (Annexure A-7 colly).

3. Considering the above, and the fact that there is no order by respondents rejecting or accepting the claim of the applicant, and it is only the reply to legal notice wherein they have admitted that the pay-fixation of the applicant was not done, consequent to his promotion, we deem it appropriate, to direct the respondents, at the first instance, to re-fix the pay of the applicant on higher promotional grade from the due date, as shown in the comparative chart, annexed with their reply to legal notice, if he was entitled thereto, and if not, pass a reasoned and speaking order. Ordered accordingly. Let the necessary exercise be carried out within a period of 30 days from the date of receipt of a certified copy of this order. A copy of the order so passed be duly communicated to the applicant.

4. The O.A. stands disposed of accordingly.

5. Needless to mention, that the disposal of this case shall not be construed as an expression of any opinion on the merits of the case.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 11.07.2018

‘mw’