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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION NO. 290/00001/2014

JODHPUR, THIS THE 2ND DAY OF FEBRUARY,

2018

CORAM

HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER

HEM SINGH S/O SHRI JIWAN SINGH, AGED 59 YEARS, MATE IN THE OFFICE OF GARRISON ENGINEER (N) MES, BIKANER R/O HANUMAN HATHA, GALI NO.1, BIKANER.

.....APPLICANT

**BY ADVOCATE: SHRI VIJAY MEHTA
VERSUS**

- 1. UNION OF INDIA THROUGH THE SECRETARY, GOVERNMENT OF INDIA, MINISTRY OF DEFENCE, RAKSHA BHAWAN, NEW DELHI.**
- 2. COMMANDER WORKS ENGINEER, ARMY, MES, BIKANER.**
- 3. GARRISON ENGINEER (N) MES, BIKAMER.**
- 4. CHIEF ENGINEER, SOUTH WEST COMMAND, JAIPUR**
- 5. PCDA, SOUTH WEST COMMAND, JAIPUR**
- 6. PCDA, WESTERN COMMAND, SECTION 9-C, CHANDIGARH.**

.....RESPONDENTS

BY ADVOCATE : MR. NIMESH SUTHAR

ORDER

PER SURESH KUMAR MONGA, MEMBER (J)

THE INSTANT ORIGINAL APPLICATION U/S 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985 HAS BEEN FILED BY THE APPLICANT SEEKING THE FOLLOWING RELIEFS:-

“THE APPLICANT PRAYS THAT THE RESPONDENTS MAY KINDLY BE DIRECTED TO MAKE PAYMENT OF SALARY AT LEAST FROM 1/6/1991 IN PAY SCALE 775-1025 AND THEN TO MAKE PAYMENT OF SALARY IN PAY SCALE 775-1150 FROM 1/4/1995 AS REVISED FROM TIME TO TIME AND THEREAFTER DUE TO GRANT OF BENEFITS OF ACP AND MACP MAKE PAYMENT OF SALARY IN HIGHER PAY SCALES. RESPONDENTS MAY BE DIRECTED TO FIX THE SALARY AFTER GIVING OTP, STAGNATION INCREMENTS PERSONAL PAY ETC INTEREST AT THE RATE OF 7.5% ON THE DUE AMOUNT FROM THE DATES THE SAME BECAME DUE MAY. COSTS MAY ALSO BE AWARDED TO THE APPLICANT.”

2. BEFORE PREFERRING THE INSTANT OA IN THIS TRIBUNAL, THE APPLICANT HAD GIVEN VARIOUS REPRESENTATIONS TO THE RESPONDENTS AND TAKING COGNIZANCE OVER ONE OF SUCH REPRESENTATIONS DATED 29.05.2013, THE MATTER WAS REFERRED BY THE GARRISON ENGINEER (N), BIKANER TO PCDA, SOUTH WESTERN COMMAND, JAIPUR (RESPONDENT NO.5) ON 26.06.2013 (ANN.A/13). WHILE FILING THE REPLY, THE RESPONDENTS HAVE STATED THAT THE MATTER NOW FALLS UNDER AUDIT JURISDICTION OF PCDA, SOUTH WESTERN COMMAND, JAIPUR, WHERE IT IS STILL PENDING.

3. THE LEARNED COUNSEL FOR THE APPLICANT WHILE REFERRING TO PARAGRAPH 4.18 OF THE REPLY, STATES THAT THE APPLICANT WOULD BE SATISFIED IF A TIME BOUND DIRECTION IS GIVEN TO RESPONDENT NO.5 TO TAKE A DECISION OVER THE MATTER PENDING BEFORE HIM.

4. IN VIEW OF ABOVE SUBMISSIONS MADE BY THE LEARNED COUNSEL FOR THE APPLICANT, I DEEM IT APPROPRIATE TO DISPOSE OF THE INSTANT OA WITH A DIRECTION TO RESPONDENT NO.5 TO TAKE A DECISION OVER THE REFERENCE MADE BY THE GARRISON ENGINEER (NORTH), BIKANER VIDE HIS LETTER DATED 26.06.2013 (ANN.A/13) WITHIN A PERIOD OF THREE MONTHS FROM THE DATE OF RECEIPT OF A COPY OF THIS ORDER. NEEDLESS TO SAY THAT BEFORE TAKING A DECISION OVER THE SAID REFERENCE, THE APPLICANT SHALL ALSO BE AFFORDED AN OPPORTUNITY OF HEARING BY RESPONDENT NO.5.

5. ACCORDINGLY, THE OA IS DISPOSED OF WITH ABOVE DIRECTIONS. NO ORDER AS TO COSTS.

(SURESH KUMAR MONGA)
MEMBER (J)

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