

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.243/2018.

Date of Decision: 05.04.2018.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)

Mafabhai S/o Virabhai Parmar,
 Occu: Retired as Demonstration Officer,
 Grade-I, Community Food & Nutrition
 Extension Unit, Silvassa, Under Office
 of Food & Nutrition Board, Western
 Region, Kendriya Sadan, A-301,
 (C) Wing, Sector, 10, CBD Belapur,
 Navi Mumbai 400 614, Under GOI,
 Ministry of Women & Child Development.
 R/at Gokul Complex, A-Wing,
 Flat No.101 & 102, Near Canara Bank,
 Tokarkhada, Silvassa, Dadra & Nagar
 Haveli – 396-230.

... ***Applicant***

(By Advocate Shri R.G. Panchal)

Versus

1. Union of India,
 Through the Secretary,
 Ministry of Women & Child
 Development, Shastri Bhavan,
 New Delhi – 11.
2. The Joint Secretary,
 Govt. of India Food & Nutrition Board,
 Ministry of Women & Child Development
 Shastri Bhavan, New Delhi – 11.
3. Deputy Technical Advisor,
 Food & Nutrition Board, Western
 Region, Ministry of Women & Child
 Development, Kendriya Sadan, A-301
 (C) Wing, Sector, 10, CBD Belapur
 Navi Mumbai 400 614.

... ***Respondents***

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

Today when the matter is taken up for Admission, heard Shri R.G. Panchal, learned Advocate for the Applicant. We have carefully perused the case record.

2. The Applicant retired as Demonstration Officer, Grade-I while working under Respondent No.3.

3. In this OA, the benefit of ACP-2 & MACP-3 is claimed and the following reliefs are sought:

“8.a) This Hon'ble Tribunal be pleased to direct the respondents to grant to the applicant, 2nd Financial Upgradation under ACP Scheme in the Pay Scale of Rs.8000-13500 w.e.f. 27.5.2000, (instead of Rs.6500-200-10500/-) and subsequent third Financial Upgradation under MACP Scheme in the Pay Band of Rs.15600-39,100 with Grade Pay of Rs.6600/- (instead of Rs.15600-39,100 with Grade Pay of Rs.5400) w.e.f. 01.09.2008.

8.b) The Hon'ble Tribunal be pleased to direct the respondents to re-fix pay scale of the applicant in terms of prayer (a) above and release the difference of arrears to the applicant with interest as is done by Calcutta Bench.

8.c) This Hon'ble Tribunal be pleased to direct the respondents to revise the consequential pension, gratuity, commuted pension, EOL etc and accordingly pay and or release the same and also arrears on account of the difference thereof, to the applicant, with interest as is done by the Calcutta Bench.

8.d) This Hon'ble Tribunal be pleased to

decide the present OA on priority basis, finally at the stage of admission in view of circular (A-18) dated 03.08.2009 issued by High Court of Bombay.

8.e) Cost of this Application may kindly be provided.

8.f) Any such other relief as deemed fit, be granted.”

4. It is pointed out by learned Advocate for the applicant that representation dated 18.05.2017 (Annexure A-15) followed by reminder representation dated 01.09.2017 (Annexure A-16) submitted by the applicant are still pending. It is stated that nothing has been heard from the other end so far and hence he approached this Tribunal.

5. In this OA, the applicant claims to be similarly placed along with others to whom the relief is already granted. Since the representations are pending, ends of justice will be better served, if appropriate directions are issued to consider it first, instead of issuing notice to respondents.

6. In view of above, competent authority from Respondent Nos. 1 to 3 is directed to consider and pass a reasoned and speaking order on the pending representations dated

18.05.2017 (Annexure A-15) and dated 01.09.2017 (Annexure A-16) in accordance with law, within a period of eight weeks from the date of receipt of certified copy of this order.

7. The order so passed shall then be communicated to the applicant at the earliest, who will be at liberty to approach the appropriate forum, in case their grievance still persists.

8. The OA stands disposed of with the aforesaid directions at the Admission stage, without issuing notice to the respondents or without making any comments on merits of the claim and keeping all the legal pleas open.

9. Registry is directed to send copy of this order to both the parties at the earliest for taking appropriate steps in the matter.

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

dm.