CENTRAL ADMINISTRATIVE TRIBUNAL MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.224/2018.

Date of Decision: 06.04.2018.

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

Supan Ram Rjbhar (PN 5911),
Occ. Working as Watchman in
the Canteen Stores Department,
R/at P.D. Karai Area, CSD Depot,
Ramgarh Cantt, Jharkhand.   ...   *Applicant*
(By Advocate Smt. Chaitrali Parab)

Versus

1. Union of India,
    Through the Secretary,
    Ministry of Defence,
    South Block, New Delhi 110 001.

2. General Manager,
    Canteen Stores Department,
    Adelphi, 119, M.K. Road,
    Mumbai 400 020.

3. Joint General Manager,
    Canteen Stores Department,
    Adelphi, 119, M.K. Road,
    Mumbai 400 020.   ...   *Respondents*

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

Today when the matter is called out for Admission, Applicant and Mrs. Chaitrali Parab, learned Advocate for him both remained absent. However, Shri Vicky Nagrani, learned proxy counsel represented her.

2.   We have carefully perused the case record. Also heard Shri V.A. Nagrani, learned proxy counsel for Applicant.

3.   In this OA, the Applicant who is presently working as Watchman in the Canteen Stores Department under Respondent No.3, approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

> *"8.a)   The Applicant therefore prays that the respondents be directed to call for the record and proceedings and after examining the same, direct the respondents to grant of first and second financial upgradation to the applicant under the ACP scheme in the appropriately pay scale w.e.f. 1996 and 2008 respectively, after counting the casual service of the applicant from the date of initial appointment, i.e. 18.04.1984 and further be pleased to direct to refix the pay scale of the applicant according to the Scheme of ACP;*
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> *8.b)   The Hon'ble Tribunal be further pleased to direct the respondents to grant of interest to the applicant @12% p.a. on the amount of arrears of pay arising out of grant of first and second financial upgradation w.e.f. 1996 and 2008 respectively;*
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> *8.c)   It be further declared that the applicant is entitled to be considered for grant of benefits from the date of initial appointment for grant of all consequential benefits;*
>
> *8.d)   It further be pleased to declare that the applicant is entitled to get benefit of ACP scheme from the date of initial appointment on the basis of taking into account his service on casual basis and also counting the total period of service and it be further pleased to direct the*

respondents to pay the arrears along with interest;

8.e)   The benefits granted by the Tribunal in OA 58/1997 and OA No.193/2011 and 128 ors be extended to the applicant;

8.f)   Any other equitable relief which the Hon'ble Tribunal, deems fit may also be granted.

4.   The main grievance is regarding counting of service rendered on casual basis for the purposes of extension of the benefit of financial upgradation under ACP Scheme. The record shows that the applicant's representation dated 16.02.2016 (Annexure A-1) is still pending consideration. As such there being no impugned order which can be judicially reviewed, we feel it appropriate to dispose of the OA with directions.

5.   The Respondent No.2 is, therefore, directed to consider and pass a reasoned and speaking order on the pending representation of applicant in accordance with law, within a period of six weeks from the date of receipt of certified copy of this order.

6.   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 his grievance still persists.

7.   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 the legal pleas open.

8.   Registry is directed to issue certified copy of this order to both the parties, at the earliest for taking appropriate steps in the matter.

(R. Vijaykumar)   *(A.J. Rohee)*
Member (A)   *Member (J)*

dm.