

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.57 OF 2018

Dated this Tuesday, the 23rd day of January, 2018

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

Gajanan Arun Tari,
Retired as Technical Assistant,
Office of Food & Nutrition Board,
Western Region,
Ministry of Women & Child Development,
Kendriy Sadan, A-301, (C) Wing,
Sector 10, CBD Belapur,
Navi Mumbai - 400 614.
Residing at:
Flat No.BT-6, Shivani Arcade,
CHS Ltd, Curchorem,
South Goa - 403 706. *.. Applicant.*

(By Advocate Shri R.G. Panchal).

Versus

1. Union of India, through 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, Kendriy Sadan, A-301 (C)Wing, Sector 10, CBD Belapur, Navi Mumbai-400 614. . . **Respondents.**

O R D E R (ORAL)
Per:- Hon'ble Shri A.J.Rohee, Member (Judicial)

Today when the matter is called out for admission, heard Shri R.G.Panchal, learned Advocate for the applicant. We have carefully perused the case record.

2. The applicant is the retired Technical Assistant from the office of Food and Nutrition Board, Western Region, Government of India, Ministry of Women and Child Development. He seeks benefit of ACP II with effect from 10.09.2005.

3. In this OA, the applicant seeks the following reliefs :-

“(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. 10.9.2005 instead of Rs.6500-10500/-.

(b) This 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.

(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.

(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 (A17) dated 3.8.2009 issued by High Court of Bombay.

(e) Cost of this Application may kindly be provided;

(f) Any such other relief as deemed fit, be granted; ”

4. According to the learned Advocate for the applicant, the applicant is similarly placed and hence, the relief which is granted to other, he is also entitled to the same relief. For redressal of his grievance, the applicant submitted a representation dated 11.09.2017 (Annexure A-15) to the respondent No.1. However, according to the applicant, nothing has been heard from the other end. In view of this, the applicant claims to be similarly placed and seeks the same relief in the matter of fixation of pay which is granted to others, there is no impugned order as such passed by respondents rejecting his claim.

5. In view of the above, we are of the considered view that ends of justice will be better met in case appropriate directions are issued in the matter.

6. The respondents Nos.1 and 3 are, therefore, directed to consider and pass a reasoned and speaking order on the pending representation dated 11.09.2015 (Annexure A-15) of the applicant 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 his grievance still persists.

8. The OA stands disposed of with the above directions, at the admission stage, without issuing notice to the respondents and without making comments on the merits of the claim and keeping the legal plea regarding limitation open.

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

(R. Vijaykumar)
Member (Administrative)

(Arvind J. Rohee)
Member (Judicial)

*kmg**