

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.58 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)

Suresh K. Naik Gaunker,
 Retired as Asst Technical Advisor,
 Office of Food & Nutrition Board,
 Western Region, GOI, Ministry of Women & Child
 Development, Kendriy Sadan,
 A-301, (C) Wing, Sector 10, CBD Belapur,
 Navi Mumbai – 400 614.
 Residing at: Building No.C-G-26 Housing Board
 Colony, Durgawadi, Taleigao,
 Tiswadi, Goa – 403 002.
(By Advocate Shri R.G. Panchal).

.. Applicant.

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, GOI,
 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 Advisor from the office of Food and Nutrition Board, Western Region, Government of India, Ministry of Women and Child Development, Belapur, Navi Mumbai. In this OA, he has come up with the grievance regarding proper fixation of his pay and regarding ACP benefits.

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, the pay scale of Rs.8000-13500 w.e.f. 9.8.1999 (instead of Rs.6500-200-10500/- and 2nd financial upgradation in the pay scale of Rs.10,000-325-15,200 w.e.f. 1.9.2004 (now revised as Pay Band of Rs.15600-39,100 with Grade Pay of Rs.6600.).

(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 Calcuta 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. The record shows that prior to his retirement, the applicant made a grievance regarding the office order dated 20.02.2006 issued by the respondent No.3 (Annexure A-6) refixing the pay of the applicant from Rs.8,000-275-13,500 to that of Rs.6,500-200-10,500/- retrospectively with effect from 01.08.1997. Immediately thereafter the applicant submitted a representation dated 07.03.2006 (Annexure A-7) followed by series of representations dated 07.04.2006 (Annexure A-9) and representation dated 06.11.2013 (Annexure A-19), 07.07.2015 (Annexure A-22), 10.09.2016 (Annexure A-23), 01.11.2017 (Annexure A-26), 07.11.2017 (Annexure A-27) and last reminder dated 11.11.2017 (Annexure A-28) according to the applicant nothing has been heard from the other end.

5. The learned Advocate for the

applicant submitted that in pursuance of the stay order passed by CAT Madras Bench in OA Nos.197 to 200 of 2006, the respondents have stayed further recovery. The applicant claims relief, which is granted to other similarly placed employees as stated by him.

6. In support of his claim the applicant relied on various decisions as mentioned in the OA. However, since no decision has been taken by the respondents on his representation, appropriate directions need to be issued in the matter for redressal of his grievance.

7. In view of this, respondents Nos.1 and 3 are directed to consider and pass a reasoned and speaking order on the pending representation dated 07.03.2006 (Annexure A-7) followed by series of representation dated 07.04.2006 (Annexure A-9) followed by reminders dated 06.11.2013 (Annexure A-19), 07.07.2015 (Annexure A-22), 10.09.2016 (Annexure A-23), 01.11.2017 (Annexure A-26), 07.11.2017 (Annexure A-27) and last

reminder dated 11.11.2017 (Annexure A-28) in accordance with law within a period of eight weeks from the date of receipt of certified copy of this order.

8. 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.

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

10. 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)

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