

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD

(This the 11th Day of January, 2019)

Hon'ble Mr. Justice Bharat Bhushan, Member (J)
Hon'ble Mr. Mohd. Jamshed, Member (A)

Original Application No.330/00028/2019
(U/S 19, Administrative Tribunal Act, 1985)

J.N. Mishra, Jr. Hindi Translator (Retd.) O/o the ROC,
Kanpur , r/o Behind Gurudev Palace Nr. Masjid Plot No.
124, Chhota Lakhnupur, Kanpur-208024.

..... **Applicant**

By Advocate: **Shri Anil Kumar Singh**

Versus

1. Union of India through the Secretary to Government of India, Ministry of Corporate Affairs, Shastri Bhawan, New Delhi.
2. The Secretary, Ministry of Finance, Department of Expenditure, New Delhi.
3. The Regional Director, Northern Region, Ministry of Corporate Affairs, New Delhi.
4. The Registrar of Companies, U.P. & Uttrakhand, Kanpur.

..... **Respondents**

By Advocate: **Shri L.P. Tiwari**

O R D E R

By Hon'ble Justice Bharat Bhushan, Member (J)

A Misc. Application No. 330/00096/2019 for condonation of delay has also been moved along with the Original Application.

2. This Original Application (O.A.) has been filed for revision of pay scale from particular date. The applicant believes that he has not been given suitable up-

gradation, therefore, this is a recurring cause of action. Delay condonation Application No. 330/00096/2019 is allowed and delay is condoned.

3. This O.A. No. 330/00028/2019 has been filed for following reliefs:-

- i) Issue a suitable order or direction in the nature of mandamus commanding the respondents to revise pay scale of Rs. 5500-9000/- w.e.f. 1.1.1996 on notional basis and with effect from 11.2.2003 on actual basis as provided in Ministry of Finance, Department of Expenditure O.M. No. 70/11/2000-IC dated 14.7.2003 which was also confirmed by the Department of official Language, Office order No. 13.6.2002-OL (service) dated 2.4.2004.
- ii) Issue a suitable order or direction in the nature of mandamus commanding the respondents to provide the 1st ACP from the pay scale of Rs. 5500-9000 (JHT) to pay scale of Rs. 6500-10500 (JHT) w.e.f. 9.8.1999 along with all consequential benefits.
- iii) Issue a suitable order or direction in the nature of mandamus commanding the respondents to grant two more financial up-gradations in the grade pay of Rs.4800/- and

Rs. 5400/- under the MACP scheme and as per the DOP&T letter dated 19.5.2009 with law and pay the arrears of pay with 18% interest to the applicant from the date the same become due till the date of actual payments.

- iv) Issue any other and further writ, order or directions which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.
- v) Award the cost of the O.A. to the applicant.

4. Evidently, the O.A. is directed against the stated inaction of respondents by which the applicant has not been given benefit of pay scale of Rs. 5500-9000 w.e.f. 1.1.1996 on notional basis and w.e.f. 11.2.2003 on actual basis as per O.M. No.70/11/2000-IC dated 14.7.2003 issued by Ministry of Finance, Department of Expenditure (Implementation Cell).

5. The applicant has submitted that he has made several representations but the same have not been attended to. He has also submitted that representation dated 6.9.2018 and reminder dated 16.10.2018 are still pending before competent authority/respondents.

6. Counsel for applicant has stated that in similar cases, similar benefits have been given to other applicants by various benches of this Tribunal. He has

also submitted that these judgments were upheld by the Hon'ble High Court and finally by the Hon'ble Apex Court on 2.7.2013 and 25.7.2013. He has annexed judgment dated 18.11.2016 passed by Madras Bench of this Tribunal in **O.A. No.1418/2015 and 1460/2015 (R.Thenmozhi and others Vs. Union of India and others).**

7. The applicant has also filed the judgment dated 27.2.2008 passed by the Bangalore Bench of this Tribunal in **O.A. No. 384/2007 (Amal Chandra Paul Vs. Union of India and others).**

8. Counsel for applicant contends that he will be satisfied if the case of applicant is also decided in the light of the aforesaid judgments and other judgments passed by the various benches of Hon'ble High Court and Hon'ble Apex Court.

9. Accordingly, respondents are directed to decide the representation dated 6.9.2018 and 16.10.2018 (Annexure A-4 to the O.A.) within a period of three months from the date of receipt of certified copy of this order, in the light of the judgment relied upon by the counsel for applicant. It is made clear that we have not expressed any opinion on the merit of the case. No order as to costs.

[Mohd. Jamshed]
Member (A)
HLS/-

[Justice Bharat Bhushan]
Member (J)

