

**Central Administrative Tribunal
Madras Bench**

OA/310/01246/2018

Dated the 9th day of October Two Thousand Eighteen

P R E S E N T

**Hon'ble Mr. R. Ramanujam, Member(A)
&
Hon'ble Mr. P. Madhavan, Member (J)**

P.R. Rajagopal
No. 18/3, Murugesan Naicker Street
Tondiarpet, Vannarpettai – Post
Chennai – 600 081.

.. Applicant

By Advocate **M/s. N. Fidelia**

Vs.

1. The Director General of Ordnance Services
Master General of Ordnance Branch
IInd Floor, A-Wing, Sena Bhavan
I HQ of MOD (Army), New Delhi – 110 011.

2. The Commandant
Ordnance Depot – Avadi
IAF Post, Avadi, Chennai – 600 055.

3. The Controller of Defence Accounts
618, Anna Salai, Teynampet
Chennai – 600 018.

.. Respondents

ORAL ORDER

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard. The applicant has filed this OA seeking the following relief:-

“To set aside the impugned order passed by the second respondent in No. 2262/MCM/Est/Ind dated 04.04.2018 and direct the respondents to fix the pay and allowances of the applicant in the pay slab of PB-2 of Rs. 10,140/- from the date of promotion of MCM, i.e. w.e.f., 01.10.2008 as per Govt. of India, DOP&T order dated 07.08.2017 and pay all and other consequential benefits including his monthly pension arising thereof”

2. It is submitted that the applicant was entitled to be fixed at Rs. 10,140/- whereas his pay had been fixed at Rs. 9930/- as on the relevant date. The applicant made Annexure A II representation dated 15.03.2018 in this regard which was disposed of by Annexure A III impugned order dated 04.04.2018 informing the applicant that his pay fixation was correctly done and no representation in this regard would be accepted. It is submitted that such summary rejection of the representation through a non-speaking order was not in accordance with the relevant rules. Accordingly the applicant would be satisfied if the competent authority is directed to withdraw Annexure A III impugned order and pass a reasoned and speaking order within a time limit to be set by this Tribunal.

3. It is seen that the applicant is a senior citizen who retired from service on 30.06.2012 and is entitled to a fair consideration of his representation. We are inclined to agree with the learned counsel that the applicant's claim could not be

rejected in this manner without explaining how the authorities were right. Therefore, keeping in view the limited relief sought and without going into the substantive merits of the case, we deem it appropriate to dispose of the OA with the following direction:

“The competent authority shall withdraw Annexure A III nonspeaking communication to the applicant dated 04.04.2018 by which he was merely informed that the pay fixation had been correctly done and no representation in this regard would be accepted and pass a fresh, reasoned and speaking order duly answering the issues raised by the applicant in his representation dated 15.03.2018 within a period of two months from the date of receipt of copy of this order. The order shall bring out how the pay fixation is done by the authorities was arrived at as also the reasons why the applicant claim was not in order.”

4. OA is disposed of at the admission stage.

(P. Madhavan)
Member (J)
AS

09.10.2018

(R.Ramanujam)
Member(A)