

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/01691/2018

Dated Monday the 31st day of December Two Thousand Eighteen

CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)

S.Asokan,
Senior Audit Officer (Retd),
26, Perumal Koil Street,
Mettupalayam,
West Mambalam, Chennai 600033.

....Applicant

By Advocate M/s. P. Balasubramanian

Vs

1.The Union of India,
rep by its Secretary,
Ministry of Finance,
Department of Expenditure,
North Block, New Delhi 110001.

2.Secretary,
Department of Personnel & Training (DOPT),
Ministry of Personnel, Public Grievances and Pensions,
North Block, New Delhi 110001.

3.Deputy Comptroller & Auditor General,
(Administration of Staff),
O/o. Comptroller and Auditor General of India,
No. 9, Deenadayal Upadyaya Marg,
New Delhi 110124.

4.Principal Accountant General (G&SSA),
36, Anna Salai, Teynampet,
Chennai 600018.

....Respondents

By Advocate Mr. Su. Srinivasan

ORAL ORDER

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

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

"1. It is therefore prayed that this Hon'ble Tribunal may be pleased to call for the records of the respondents and set aside the order passed in Order Letter No. PAG (G&SSA)/PC-I/UNIT II/2018-19/86 dated 16.10.2018 and order for consequential benefits;

2. To pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."

2. The applicant has sought to rely on an order passed by the Hon'ble High Court of Madras in WP 15732/2017 dt. 15.09.2017 for the relief sought by him. The applicant also seeks to rely on the order of the Mumbai Bench of this Tribunal, camp at Goa dt. Nil of 2011. He made a representation dt. 02.11.2019 to the competent authority in this regard which is still pending.

2. Mr. Su. Srinivasan, SCGSC takes notice for the respondents and submits that a contrary decision had been made in WP No. 28433 of 2005 by the Hon'ble Madras High Court in their order dt. 28.09.2009. The order of the Hon'ble High Court relied upon by the applicant did not consider the said precedent and, therefore, it was *per incuriam*. As such, the order relied upon by the applicant could not be regarded as law laid down by the Hon'ble High Court, it is contended.

3. At this stage as the representation dt. 02.11.2018 of the applicant is still pending, without going into the substantive merits of the applicant's claim or the judicial precedents cited by either side, I deem it appropriate to direct the

competent authority to consider the representation dt. 02.11.2018 of the applicant in accordance with law and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

(R. Ramanujam)
Member(A)
31.12.2018

SKSI