

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

MA No.121/2019 in & OA.No.1287/2016

Dated Friday, the 8th day of March, 2019

PRESENT

**Hon'ble Mr.R.Ramanujam, Administrative Member
&
Hon'ble Mr.P.Madhavan, Judicial Member**

M.Mohan,
Executive Engineer (Retd),
Buildings & Roads (Central) Division,
Public Works Department,
Puducherry 605 001.

...Applicant

By Advocate M/s P.Suresh
Vs.

1. Union of India, rep., by
The Government of Puducherry through
The Chief Secretary to Government,
Chief Secretariat, Puducherry 605 001.

2.The Secretary to Government (Works),
Chief Secretariat, Puducherry 605 001.

3.The Secretary, Ministry of Home Affairs,
North Block, New Delhi 110 001.

4.The Secretary, Union Public Service
Commission, Dholpur House, Shahjahan Road,
New Delhi 110 069.

...Respondents

By Advocate Mr.R.Syed Mustafa (R1&2)
Dr.M.Devendran (R4)

ORDER

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

Heard. MA 121/2019 for restoration of OA 1287/2016 is allowed and OA 1287/2016 is restored to its original position.

2. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“(i)allow the present OA and to quash and set aside the order No.F.No.U.14033/3/2009-GP/CPD dated 19.05.2016 of the third respondent along with the Charge Memorandum No.212/PW1/A1/04 dated 21.10.2005 of the second respondent; (ii)Direct the respondents to grant all consequential benefits including ACP/MACP to the applicant on and from the dates they become due to him including arrears of Pay and allowances; and (iii)Direct the respondents to grant interest to the applicant on the amount of such arrears.”

2. Learned counsel for the applicant seeks to rely on the order passed by this Tribunal in a similar case in OA 1288/2016 dated 25.01.2019 by which the respondents were directed to decide the appeal filed by the applicant in terms of the order to be passed by the Hon'ble Madras High Court in WP 1142/2018, if the applicant therein was identically placed as one D.Kuppusamy, Assistant Engineer. A copy of the order passed by the Hon'ble Madras High Court in the said WP dated 08.01.2019 is produced before the

Tribunal and is taken on record. It is seen that the Hon'ble High Court had observed that since the proceedings against the second respondent therein, i.e., D.Kuppusamy had been dropped, nothing survived for consideration. Accordingly, the WP was dismissed. In view of the above development, the respondents were expected to consider the appeal filed by the applicant dated 09.10.2008.

3. Learned standing counsel for the respondents submits that in the case of the said D.Kuppusamy, there was a conscious decision by the Ministry of Home Affairs, Government of India to drop the proceedings and accordingly action was taken by the respondents to drop the proceedings. However, no decision had been taken in the case of the applicant on similar lines.

4. Keeping in view the above submission as also the fact that the appeal filed by the applicant is admittedly still pending before the competent authority without any decision taken, we are inclined to direct the competent authority to consider the appeal filed by the applicant dated 09.10.2008 in accordance with law and pass orders,

within a period of three months from the date of receipt of a copy of this order.

5. OA is disposed of.

(P.MADHAVAN)
MEMBER(J)

(R.RAMANUJAM)
MEMBER (A)

08.03.2019

M.T.