

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.310/01536/2018 & MA 633/2018

Dated Thursday, the 15th day of November, Two Thousand Eighteen

PRESENT

**HON'BLE MRS.JASMINE AHMED, MEMBER(J)
&
HON'BLE SHRI R.RAMANUJAM, MEMBER(A)**

By Advocate M/s D.Ravindranathan

VS.

1. Union of India rep., by
The Secretary, Ministry of Labour & Employment,
Shram Shakti Bhawan, Rafi Marg,
New Delhi 110 001.

2. The Secretary,
Department of Personnel & Training,
Ministry of Personnel, Public Grievances and Pensions,
North Block, New Delhi 110 001.

... Respondents

By Advocate Mr.Su.Srinivasan

ORDER**(Pronounced by Hon'ble Mrs.JASMINE AHMED, Judicial Member)**

The applicant has filed this OA under Section 19 of the Administrative Tribunal's Act, 1985 seeking the following relief:

“(i)To declare para 3 of Terms and Conditions in the Annexure to OM dated 24 APR 2009 issued by the 2nd respondent for grant of NFU, as ultra vires the Resolution of the Union Cabinet published in the Gazette notification No.304 dated 29.08.2008 laying down parity between the officers of Group 'A' organized services and the members of IAS.

(ii)To direct the 1st respondent to grant Non Functional Upgradation to the Applicant to Director's level (GP-Rs.8700/-) with effect from 01.07.2006 and to SAG level (GP Rs.10000/-) with effect from 26.10.2006 on par with the officers of Indian Economic Service, as both the Services are Organized Group 'A' Central Services, in accordance with the Recommendations of the Hon'ble 6th CPC as accepted by the Govt., vide Resolution and as notified by DOPT vide OM dated 24.04.2009 and 01.07.2010.

(iii)And pass such other order or further orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.”

2. Learned counsel for the applicant states that the respondents have arbitrarily and illegally not granted the applicant the Non-Functional Upgradation (NFU) to Senior Administrative Grade (SAG). It is his contention that the upgradation was due to him in the year 2007 itself. But the respondents have not granted him any upgradation in that regard. His another leg of argument is that his juniors have been granted the upgradation but he has not been granted taking the plea that on 01.04.2014 he was not in service as he superannuated from service on 31.03.2014. The counsel for the applicant argues that in this regard he has preferred representations and the respondents passed impugned order dated 07.09.2016 rejecting his claim stating that he was not in service as on 01.04.2014, hence he cannot be granted the NFU in SAG. The counsel for

the applicant states that after getting this impugned order he has now filed an exhaustive representation dated 10.01.2018 to the respondents enumerating all his legal pleas. On query that when impugned order was dated 07.09.2016, what stopped the applicant to approach this Tribunal earlier, the counsel for the applicant states that in this regard he has filed a detailed MA for condonation along with this OA.

3. Taking into consideration, the applicant has filed a delay condonation application and also preferred representation dated 10.01.2018, we direct the respondents to consider and decide the representation of the applicant dated 10.01.2018 by passing a detailed, reasoned and speaking order taking into consideration all the pleas taken by the applicant in his representation, within a period of two months from the date of receipt of a certified copy of this order.

4. Mr.Su.Srinivasan, Senior Central Government Standing Counsel takes notice on behalf of the respondents and states that the applicant may be directed to send a copy of the representation dated 10.01.2018 along with a certified copy of this order to the respondents.

5. Accordingly, we direct the applicant to send a copy of the representation dated 10.01.2018 along with a certified copy of this order to the respondents.

6. OA is disposed of at the admission stage. MA for condonation of delay is allowed. It is made clear that we have not commented anything on the merits of the case.

(R.RAMANUJAM)
MEMBER (A)

(JASMINE AHMED)
MEMBER (J)

M.T.

15.11.2018