

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 3431/2016

The 12th day of March, 2019

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. ARADHANA JOHRI, MEMBER (A)**

Jagdeep Singh Sandhu,
S/o, Late Shri. Gurudev Singh,
R/o, 39 1st Floor, Neelam Vihar,
Kaushmabi, Uttar Pradesh.

-Applicant

(By advocate: Sh. C. Rajaram)

Versus

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
Delhi Secretariat,
Player's Building, I.P. Estate,
New Delhi-110002

2. Commissioner,
Food & Supplies Department,
GNCT of Delhi,
M-Block Vikas Bhawan,
IP Estate, New Delhi-110002

-Respondents

(By Advocate: Ms. Pratima Gupta)

ORDER (ORAL)

By Shri V. Ajay Kumar, Member (J)

Heard both sides in the main O.A.

2. The applicant while working as Grade-II (DASS)/Head Clerk under the 2nd respondent, filed the present O.A. seeking the following relief(s):-

“(a) Issue appropriate order(s) or directions to Respondents to quash/set aside the impugned order dated 19.08.2015 (Annexure A-I) being illegal, arbitrary and discriminatory.

(b) Issue appropriate order(s) or directions to the Respondents to quash the erroneous pay fixation order dated 12/05/2015 (Annexure A-2) and refix the pay of the Applicant at Rs. 13860+4600 notionally as on 07.07.2008 and actual financial benefits with effect from 01/12/2008 (physical date of joining)

(c) Issue appropriate order(s) or directions to the Respondents to release the arrears of pay and allowances pursuant to re-fixation of pay as mentioned at S.No. (b) above.

(d) Pass any order/direction in favour of the Applicant and against the Respondents which this Hon'ble Tribunal deem fit and proper in the facts and circumstances of the case.

(e) Award cost of the proceedings.”

3. The first issue involved in the O.A. is that the applicant is aggrieved by Annexure A-1 proceedings 19.08.2015 whereunder the applications of the applicant with regard to seeking rectification of his pay fixation order dated 12.05.2015 was rejected. According to the applicant, there is an anomaly and the respondents have wrongly fixed his pay vide said order on 12.05.2015, which is required to be rectified. The respondents have filed their counter and on perusal of the said counter, it indicates in paragraph 4(vi) and 4(vii) that the respondents have realised that there is an anomaly and it has to be rectified and accordingly a proposal to that effect has been sent to Services Department being Cadre Controlling Authority to consider and rectify the anomaly in respect of the grievances of the applicant. It is

further stated that once the approval of the Services Department being Cadre Controlling Authority is received on the proposal, the impugned order is likely to be amended in view of the circular dated 26.03.2015.

In the circumstances and in view of the stand taken by the respondents, the O.A. is disposed of without going into the merit of the case, by directing the respondents to take a final view on the claim of the applicant and to pass an appropriate speaking and reasoned order, in accordance with law, within 60 days from the date of receipt of a certified copy of this order. No order as to costs.

(ARADHANA JOHRI)
Member (A)

(V. AJAY KUMAR)
Member (J)

/Daya /