

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

**OA No. 2586/2015
MA No. 1364/2019**

This the 22nd day of April, 2019

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)**

Suresh Dabas aged about 55 years
Executive Engineer (Auto)/DEMS
S/o of Sri H C Dabas,
R/o 107-B, Ideal Apartments
Plot-14, Pocket-6,
Dwarka, Sector 1-A,
New Delhi-110045

...Applicant

(By Advocate: None)

VERSUS

North Delhi Municipal Corporation,
Through
The Commissioner/The Director (Personnel)/
The Additional Commissioner (Establishment)
(Central Establishment Department),
13th Floor, Dr. S. P Mukherjee Civic Centre,
J.L. Nehru Marg
New Delhi-110002

... Respondent

(By Advocate: Sh. Amit Sinha)

ORDER (Oral)

Hon'ble Ms. Nita Chowdhury:

This OA has been filed by the applicant seeking the
following reliefs:-

“(a) Issue appropriate direction(s)/order(s) to the Respondent to grant to the Applicant the second financial upgradation with effect from 6.11.2007 effective from 01.09.2008 with all the usual allowances and consequential benefits as per O.M. dated 19.05.2009; and/or

(b) Costs.

(c) Pass such other and further orders, as this Hon’ble Tribunal may deem fit and proper in the facts and circumstances of the case.”

2. Today our attention was drawn to the MA 1364/2019 filed by the applicant of the OA, in which he has stated as under:-

“4. That during the pendency of this O.A., the respondent granted second financial up-gradation to the applicant vide office order No. F.13 (338)/CED (IV)/2011/2017/G.F-45/2680 dated 20.11.2017 in PB-3 Rs. 15,600-39,100 + GP (7600). But unfortunately despite the passage of more than 16 months the benefits as accrued to the applicant in pursuance of this office order, has not been released and paid to the applicant. The copies of office order No. F.13 (338)/CED (IV)/2011/2017/G.F-45/2680 dated 20.11.2017 and the consequent proposal of fixation of pay dated 01.07.2018 are annexed hereto as **Annexure A Colly**. That therefore it is requested the present application may be disposed off with direction to the respondent that benefits granted and as accrued to the applicant in pursuance of 2nd financial upgradation (granted vide office order dated 20.11.2017) be released and paid to the applicant with consequential arrears and all the consequential benefits with interest.”

3. Counsel for the respondent is present and do not contest the relief as asked for in the OA 2586/2015 and the MA 1364/2019. In fact, learned counsel for respondent draws our attention to the fact that the

respondent has passed the order dated 20.11.2017 during the pendency of the OA by which the proposal for fixation of pay has already been accepted as acknowledged by the applicant vide **Annexure A Colly**.

4. The applicant has only requested for the direction that the office order dated 20.11.2017, be now complied with by the respondent by releasing and paying to the applicant all the consequential arrears and the consequential benefits, as he has retired from services on 31.01.2019.

5. Accordingly, as per the prayer of the applicant, the MA and OA are disposed of with the direction to grant to the applicant all the consequential arrears and benefits of the order dated 20.11.2017 as applicable to him within a period of 90 days of the receipt of the copy of this order.

6. With the above order, both the MA and the OA stands disposed of.

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

/akshaya/