

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/555/2019

DATE OF ORDER: 24.09.2019

CORAM

HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER
HON'BLE MR. A. MUKHOPADHAYA, ADMINISTRATIVE MEMBER

Sunil Kumar Soni (MES No. 169396) S/o Shri Vishva Nath Soni, aged about 60 years, Resident of Plot No. 124, Adarsh Nagar, Ajmer, [Group-A retd. EE(QS&C), MES, Delhi (M-9461616996).

....Applicant

Mr. Madhvendra Sharma, proxy for
Mr. Kunal Rawat, counsel for applicant.

VERSUS

1. Union of India through the Secretary, Ministry of Defence, Government of India, Raksha Bhavan, South Block, New Delhi – 110001.
2. Director General, Director General Personnel / E1 DPC (PP&SUB), Military Engineer Services, Engineer-in-Chief's Branch, Integrated HQ of MoD (Army), Kashmir House, New Delhi – 110011.
3. Engineer-in-Chief, Engineer-in-Chief's Branch, integrated HQ of MoD (Army), Kashmir House, New Delhi – 110011.
4. The Chief Engineer (R&D) Military Engineer Services, Probyn Road, Timarpur, New Delhi – 110054.

....Respondents

ORDER (Oral)

Per: Suresh Kumar Monga, Judicial Member

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking therein the following reliefs:

"(i) By an appropriate order the present Original Application of the applicant may kindly be accepted.

(ii) By an appropriate order or direction the respondents be directed to grant the Pay scale of Rs. 10000-325-15200 Grade Pay Rs. 6600/- w.e.f. 11.07.2003 and make the revise fixation in the salary of the applicant.

(iii) By an appropriate order or direction the respondents be directed to grant the benefit of 3rd MACP Grade pay Rs. 7600/- w.e.f. 11.07.2009 and also make the fixation and award all other consequential benefits.

(iv) the respondents be directed that after granting the Pay scale of Rs. 10000-325-15200 and benefit of 3rd MACP, and other consequential benefits the retiral benefits be also awarded as per the new fixation to the applicant.

(v) Cost of the application may also kindly be awarded to the poor applicant; and

Any other order direction or relief which may be deemed fit in the circumstances may also kindly be passed in favour of the applicant in the larger interest of equity justice and law."

2. At the very outset, Shri Madhvendra Sharma, appearing as proxy for Shri Kunal Rawat, learned counsel for the applicant stated that before filing the present Original Application, the applicant got issued a legal notice dated 19th March, 2019 (Annexure A/21) through his counsel for redressal of his grievances. He further stated that the said legal notice has not been replied by the respondents as yet and the applicant would be satisfied if a direction is issued to the respondents to treat the said legal notice as his representation and decision is taken over the same in accordance with law within a time frame.

3. Keeping in view the afore-stated limited prayer made by learned counsel for the applicant, without commenting anything on the merits of the case, we deem it appropriate to dispose of the present O.A. at the admission stage itself.

4. Accordingly, the Original Application is disposed of with a direction to respondents to treat the legal notice dated 19th

March, 2019 (Annexure A/21) as applicant's representation and take a decision over the same by way of passing a reasoned and speaking order in accordance with law. Before taking such a decision, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of four months from the date of receipt of a certified copy of this order.

5. Ordered accordingly. There shall be no order as to costs.

(A. MUKHOPADHAYA)
ADMINISTRATIVE MEMBER

(SURESH KUMAR MONGA)
JUDICIAL MEMBER

Kumawat