

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

O.A. No. 563/2013

Date of decision: 07.08.2019

**Hon'ble Mr. Suresh Kumar Monga, Member (J)
Hon'ble Mr. A. Mukhopadhyaya, Member (A)**

1. R.G.Meena son of Late Shri Sualal Meena, aged about 51 years, resident of Village Akera Dungar, Tehsil Amer, District Jaipur (Rajasthan), presently working as Administrative Officer MES JPR.
2. Ramesh Kumar Meena son of Late Shri Gulab Rai Meena, aged about 53 years, resident of Village & Post Ninder, Tehsil Amer, District Jaipur (Rajasthan), presently working as Administrative Officer Grade-II, MES Kota.Applicants.

(By Advocate: Ms.Kavita Bhati)

Versus

1. Union of India through its Secretary to the Government of India, Ministry of Defence, South Block, New Delhi-110001.
2. Addl. Dte. Gen of Manpower/PM 4 (Civ) Adjutant General's Branch Integrated HQ of Min of Def (Army, Sena Bhawan, New Delhi-110105.
3. The Director General (Pers), Military Engineer Services, E-in-C's Branch, Integrated HQ of MOD (Army), Kashmir House, DHQ PO, New Delhi-110011.
4. The Central Record Officer (Officers), C/o CE Delhi Zone, Delhi Cantt.-10.
5. The Area Accounts Office (Pay), Western Command, Tigris Road, Delhi Cantt.-10.
6. PCDA, South Western Command, Jaipur.

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7. The Chief Engineer (HQ), Jaipur Zone (MES), Power House Road, Banipark, Jaipur-302006.
8. The Commander Works Engineer (HQ), Kota.

...Respondents.

(By Advocate:Shri Kinshuk Jain)

ORDER (ORAL)

Per: Suresh Kumar Monga, Member (J):

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

- "(i) By an appropriate order or direction the impugned orders dated 19.3.2013 may kindly be quashed and set aside and the applicant be granted the grade pay of Rs.4800/- as according to the notification dated 9.9.2008.
- (ii) By an appropriate order or direction the respondents may be directed to grant the arrears after granting the grade pay of Rs.4800/- to the applicant w.e.f. the date of promotion to the grade of Administrative Officer Grade II.
- (iii) Cost of the application may also kindly be awarded to the applicant; and

Any other order or direction which this Hon'ble Tribunal deems fit and proper may also kindly be passed in the favour of the applicant in the larger interest of the equity justice and law."

2. At the very outset, Ms.Kavita Bhati, learned counsel for the applicants stated that before filing the present Original Application, the applicants moved a representation dated 14.02.2011 (Annexure A/9) and while dealing with the said representation, the respondents issued a letter dated 08.04.2011

(3)

(Annexure A/10) stating therein that the case has been examined in section and it is noticed that the South Western Command Headquarters have already obtained Government sanction vide GOI MoD order No.F.No.11(i)/2008/D/(Civ-I) dated 09.09.2009 and a direction has been issued that the unit concerned can claim the pay & allowances as per MoD order and in case, Grade Pay is not acceptable to audit authority, then forward the statement of case and connected documents in three separate folders so that the same could be processed to MoD after obtaining recommendation of DG (Pers). Learned counsel further submitted that pursuant to letter dated 08.04.2011, the audit has raised certain objections, and, therefore, the applicants could not be granted the relief.

3. Learned counsel submitted that the present case is squarely covered by a judgment rendered by Ernakulam Bench of this Tribunal in OA 180/2014 decided on 09.03.2017. She further stated that the applicants would be satisfied if a direction is issued to respondents to reconsider the whole issue in the light of said judgment of the Ernakulam Bench of this Tribunal as well as a letter issued by the authorities on 24.02.2009 (Annexure A/6).

4. Keeping in view the aforesaid limited prayer of learned counsel for the applicants, the present Original Application is

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disposed of with a direction to respondents to re-examine the whole issue in the light of aforesaid judgment of the Ernakulam Bench of this Tribunal and their own letter dated 24.02.2009 (Annexure A/6) and pass a reasoned and speaking order in accordance with law. The whole exercise shall be undertaken within a period of three months from the date of receipt of a certified copy of this order.

5. The O.A. stands disposed of in the above terms. No order as to costs.

(A.Mukhopadhyaya)
Member (A)

(Suresh Kumar Monga)
Member (J)

/kdr/