

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION No.210/00499/2019

Dated, this Friday, the 09th day of August, 2019

**CORAM : DR. BHAGWAN SAHAI, MEMBER (ADMINISTRATIVE)
R.N.SINGH, MEMBER (JUDICIAL)**

Mrs. Kamlesh Pancham Ram Yadav, Aged 60 years,
Wd/o Pancharam Yadav, Ex AFV Driver, CAFVD Khadki,
Residing at 1st Floor, Chandrama Apts,
Near Swami Samarth Colony No.6, Anesh Nagar Bhopkel,
Pune 411 031. ... Applicant
(By Advocate Shri A.A.Manwani)

VERSUS

1. Union of India, through Secretary,
Ministry of Defense, South Block, New Delhi 110 011.
2. The Director General, Ordnance Services,
MGO Branch, Army Headquarters DHQ, New Delhi 110 011.
3. The Commandant, CAF Vehicle Depot,
Khadki, Pune 411 003. ... Respondents

ORAL ORDER

Per : R.N.Singh, Member (Judicial)

Heard Shri A.A.Manwani, learned
counsel for the applicant.

2. The applicant, widow of late Shri Pancham Ram Yadav, who expired while working as Ex AFV Driver, CAFVD Khadki under the respondents has filed the present Original Application under Section 19 of the Administrative Tribunals Act, 1985 challenging the respondents' order dated 30.03.2019 (Annex A-1) whereby the respondents have rejected her claim for payment based fixation of pay of her

deceased husband in the pay scale of Rs.4,500-125-7,000/- with effect from 08.11.1996 stating that for it she has to file her representation in the Court. The respondents have further advised her vide the letter dated 30.03.2019 to bring Court judgment to enable them to take up the case with the PCDA, Dehu Road.

3. The precise facts leading to the present case as contented on behalf of the applicant by the learned counsel are that her husband unfortunately expired while working as AFV Driver and he was entitled for fixation of pay in the pay scale of Rs.4,500-125-7,000/- with effect from 08.11.1996. Though the respondents have given the said pay scale to similarly placed other employees, however, it has not been accorded to the deceased husband of the applicant as she could not bring the order of any Court of law.

4. Aggrieved of the aforesaid, the applicant is stated to have made representation dated 07.03.2018, followed by a legal notice dated 11.02.2019 (Annex A-4 collectively) and the same is stated to have

been rejected vide impugned order dated 30.03.2019 for the reasons as mentioned above.

5. The learned counsel for the applicant invites our attention to the order dated 22.10.2010 (Annex A-3) passed by the respondents in respect of Shri Vishnu Prakash and others of CVD, Delhi Cantt whereby they have been accorded the similar benefits in view of the order judgment dated 28.04.2008 passed by the Principal Bench of this Tribunal in OA No.163/2007.

6. The learned counsel for the applicant submits that the applicant shall be satisfied if the matter is remitted back to the respondents with a direction to the respondents to consider her claim in light of the order / judgment dated 28.04.2008 of Principal Bench of this Tribunal in OA No.163/2007 title **Vishnu Prakash and others of CVD Delhi Cantt. Vs. Union of India and others** and also keeping in view of the judgment dated 07.04.2015 of this Bench of the Tribunal in OA No.164/2015, title **Shri C.D.Patole and others**, in OA No.166/2015 title **S.R.Phengse and others**, in OA No.165/2015 title **Shri Jeevan**

Awate which appear to have been complied with by the respondents vide order dated 22.03.2019 (Annex A-1 colly).

7. In view of the aforesaid, the OA is disposed of by remitting the matter to the respondents with a direction to them to reconsider the matter of the applicant and pass an appropriate order keeping in view of the above orders / judgments of the Principal Bench and this Bench of this Tribunal within eight weeks from the date of receipt of certified copy of this order and communicate the same to the applicant within two weeks thereafter.

8. In view of the aforesaid, the OA stands disposed of in terms of above direction.

(R.N.Singh)
Member (Judicial)

(Dr. Bhagwan Sahai)
Member (Administrative)

kmg*

JD
26/8/19