

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.291/2017

This the 15st day of October, 2019

Shri Shantilal S.Parmar
S/o. Shri Shankerlal Parmar
Aged 68 years
Retired as Fitter Grade-II under OHE
R/o. Chitra Khadi, Nr. Santoshi Mata Mandir,
Khadi Faliya Roads, Godhra 388 200..... Applicant.
(By Advocate : Ms.S.S.Chaturvedi)

VERSUS

1. Union of India
Notice to be served through
General Manager
Western Railway, Churchgate
Mumbai 400 020.
2. Divisional Railway Manager (E)
Western Railway, Pratapnagar, Baroda – 390 004.
3. Sr.Divisional Finance Manager (Sr.DFM)
Western Railway,
Pratapnagar, Baroda – 390 004. Respondents

(By Advocate : Ms.A.B.Makwana)

ORDER (ORAL)

Per : Hon'ble Shri M.C.Verma, Judicial Member

1. The grievance of the applicant as reflects from the pleadings of
the OA is that at the time of preparing PPO, the respondents

CAT, Ahmedabad Bench

failed to worked out fixation under Grade Pay of Rs.2400/- and Rs.2800/- and also failed to add one promotional increment to the applicant on revising pay fixation under 6th CPC for which, according to him he was entitled to. It has been prayed in the OA to quash and set aside the PPO No. 11202/241196 dated 27.5.2014 (Annexure A-1) and to direct the respondents to revise his pay and for pay fixation with all consequential benefits in accordance with the rules.

2. The relevant facts as has been set out in the OA by the applicant are that applicant was appointed as Safaiwala on 06.10.1970 and subsequently promoted as Tech. Grade-II under Sr.DEE (Power) and superannuated from service on 31.12.2008. That at the time of superannuation he was working in pay scale of Rs.5200-20200 plus Rs.1900/- G.P. and that after retirement respondents issued arrears of 6th CPC to the applicant and further issue memorandum of benefits of MACP in Grade Pays of Rs.2400/- and Rs.2800/-, vide Order No.E/ELT/765/10/1/TRD PT.IMACP dated 09/24.01.2014 w.e.f. 01.09.2008 (Annexure A-1).That revised PPO No.11202/241196 dated 27.5.2014 was issued making

CAT, Ahmedabad Bench

revision in pension under retirement benefits (Annexure A-1).

That he made representation on 18.3.2015 and on 23.12.2015, Annexure A-6 & A-7 respectively, which still are pending in the office of the respondents for decision.

3. Respondents have contested the case and denied the claim of the applicant. They have filed their reply and rebutting the averments made by the applicant in the OA has pleaded that applicant was appointed 06.10.1970 as Substitute Safaiwala and subsequently, on 07.4.1971 was granted temporary status and that on attaining the age of superannuation, on 31.12.2008 he was retired from service from the post of Technician Grade-II. It is further pleaded by the respondents that applicant never has given any representation, much less representation dated 29.6.1995 and that after period of more than 11 years, it would not be possible to verify the attendance for the period from 1986-1994. Respondents added that no representations dated 18.3.2015 and 23.12.2015 are available in the office of the Railways and therefore no steps have been taken on said representations.

CAT, Ahmedabad Bench

4. Today, matter is at the stage of admission hearing. Heard.
Learned counsel Ms. S.S.Chaturvedi appearing for applicant while pressing the OA submits that that apparently no decision on the representations of the applicant has been taken by the respondents, that copy of representations preferred by applicant are annexed as Annexure A-6 & A-7 of the OA and that annexure A-6 also having 'Received Stamp' showing that it was received by the office of DRM, Vadodara on dated 18.3.2015. That in said circumstances respondents ought not to have taken stand that they have not received any representation. She pointed out that para 10 of reply and urged that respondents have taken vague contention that representations are not available in their file. She also added that subject matter of the OA for adjudication on merits falls within the domain of Division Bench and presently there is no Division Bench at Ahmedabad so in said situation she would urge that applicant would be satisfied if respondents be directed to take decision on his representation in fix time frame, copy of which at least now is available with them being part and parcel of the OA and if respondents agrees to

CAT, Ahmedabad Bench

consider and to take decision on said representation, she to avoid complication would withdraw this OA.

5. Learned counsel for the respondents, Ms.A.B.Makwana submits that representations were not available in the office of the respondents and if applicant wants decision of respondents on said representations, which are with the record of OA, respondents are having no objection, they may consider the same and would pass appropriate speaking order on representations. Learned counsel Ms. S.S.Chaturvedi at this stage urged to record undertaking of respondents and fixing time for decision on the representations allow her to withdraw the OA.

6. Considered the submissions made at Bar. In view of totally of the matter and requests for withdrawal of the OA, as has been made is allowed. For sake of brevity it is made clear herein that withdrawal, in circumstances in which it has been made, would not come in the way of the applicant if in future for non honour of undertaking by respondents or for other genuine cause relating to issue , the applicant has to re-agitate this matter for adjudication. Before parting, respondents are

CAT, Ahmedabad Bench

directed to take decision on representation of the applicant within three months from the date of receipt of the copy of this order, on the representation at Annexure A-6 & A-7 of instant OA.

7. In result the OA is disposal of as withdrawn and the pending MA also stands disposed of accordingly.

(M.C.Verma)
Member (J)

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