

**Central Administrative Tribunal
Madras Bench**

OA 310/01636/2019

Dated Tuesday the 10th day of December Two Thousand Nineteen

P R E S E N T

**Hon'ble Shri. P. Madhavan, Member (J)
&
Hon'ble Shri. T. Jacob, Member (A)**

K.S.Reka
W/o J.S.Jagadeesshan,
No.37/38, Flat No.11, 1st Floor,
Apoorva Flats, Pudupet Garden Street,
Royapettah,
Chennai – 600 014.
(Working as LDC)

By Advocate M/s R.Malaichamy

Vs

1. Union of India
Rep by the Chief Controller of Explosives,
Petroleum and Explosives Safety Organization,
Nagpur – 440 006.

2. The Joint Chief Controller of Explosives,
South Circle,
Petroleum and Explosives Safety Organization,
Chennai – 600 006.

3. The Senior Accounts Officer,
Pay and Accounts Office,
Petroleum and Explosives Safety Organization,
Ministry of Industry,
CGQ Complex, C-Wing,
1st Floor, Seminary Hills,
Nagpur.

4. The Senior Section Officer,
Internal Audit Wing,
Principal Accounts Office,
Ministry of Industry,
New Delhi.

... Respondents

By Advocate Mr. M. Kishore Kumar

ORAL ORDER

Pronounced by Hon'ble Mr. P. Madhavan, Member(J)

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“i. To call for the records of the 2nd respondent pertaining to his order which is made in No.EB/PR/KSR dated 25.11.2019 and set aside the same; consequent to;

ii. direct the respondents to restore all the service benefits to the applicant and also refund the amount recovered, if any, from her pay and allowances, and

iii. To pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case”

2. When the matter came up for consideration, learned counsel for the applicant submits that the applicant has submitted Annexure A6 representation dt. 28.11.2019 regarding re-fixation of pay which is still pending with the respondents for consideration. Further the applicant was not given any notice regarding the recovery. He submits that the applicant will be satisfied if her representation is disposed of in the light of relevant rules and regulations cited by the applicant by passing a speaking order within a time limit stipulated by this Tribunal. He also seeks permission to submit a detailed representation.

3. Mr. M. Kishore Kumar takes notice for the respondents.

4. **In view of the limited relief sought and non issue of notice before re-fixation of pay without going into the substantive merits of the case, the applicant is permitted to file a detailed representation to the respondents**

within a period of two weeks from the date of receipt of copy of this order and the competent authority is directed to consider the Annexure A6 representation dated 28.11.2019 and the fresh representation to be submitted by the applicant in the light of relevant rules and regulations on the subject and pass a reasoned and speaking order within a period of three months thereafter. Till such time the recovery in respect of the applicant is kept in abeyance.

5. OA is disposed of at the admission stage.

(T. Jacob)
Member(A)
AS

10.12.2019

(P. Madhavan)
Member (J)