

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00970/2019

Jabalpur, this Monday, the 01st day of November, 2019

HON'BLE SHRI RAMESH SINGH T HAKUR, JUDICIAL MEMBER

Pravash Chandra Sarkar, S/o Late Shri Dulala Chandra Sarkar,
Aged about 54 years, Lower Division Clerk, 506 Army Base
Workshop, Jabalpur (MP), Pincode-482005 **-Applicant**

**(By Advocate –Shri Harish Singh proxy counsel for
Shri K.C.Ghildiyal)**

V e r s u s

1. Union of India, through the Secretary,
Ministry of Defence, Government of India, South Block
New Delhi, Pin code 110001
2. The Director General, EME, Directorate General of EME
MGO Branch, Integrated Headquarters of Ministry of Defence,
(Army), New Delhi, Pin code 110105
3. The Commandant 506 Army Base Workshop,
Jabalpur (MP), Pin Code 482005

(By Advocate –Shri S.P.Singh)

ORDER (ORAL)

This Original Application has been filed by the applicant against the order passed by the respondents vide Annexure A-5 dated 06.09.2019 whereby the claim of the applicant is unactioned.

2. Precisely the case of the applicant is that the applicant was earlier serving the Army in Corps of EME as Combatant

Clerk, He Retired from service on 31.07.2008 while holding the rank of Havildar. After discharge from army service, the applicant has been reemployed in 506 Army Based workshop as a civilian clerk (LDC) on 12.02.2009. The Department of Personnel & Training, Govt. of India has issued the pay fixation orders, 1986, which came into effect w.e.f. 31.07.1986. As per Para 16 of these orders, Ex Combatant Clerk on their reemployment as LDC or Junior Clerks in the civil Posts and Ex. Storeman in the Armed Forces on their reemployment as Storeman in civil Post shall have the option to get their pay fixed under orders 4 & 5 of these orders, 1986, in accordance with the procedure indicated in Sub Para 2. The relevant rules for this are annexed as Annexure A-3.

3. The applicant has also relied upon the judgment passed by Coordinate Bench of this Tribunal at Bangalore in O.A. No. 170/00534/2017 whereby similar issue has been decided and the case of the applicant is fully covered by the said judgment.

4. If the impugned order Annexure A-5 is seen, it has been specifically indicated in the said Annexure that this office has not received any authenticated policy from higher HQs till date. As and when received the same will be implemented to the effected individuals.

5. At this stage, this Tribunal is of the view that the natural justice will be served if the respondents are directed to decide the claim of the applicant when the relevant documents are to be supplied by the applicant.

6. Resultantly, the applicant is directed to make a fresh representation to the respondents alongwith a copy of the judgment on which the applicant has relied in O.A. No. 170/00534/2017 of Coordinate Bench of this Tribunal at Bangalore and also the policy Annexure A-3 within a period of one week.

7. On receiving such representation the respondents are directed to decide the same within a period of 90 days thereafter.

8. Needless to say that this Tribunal has not touched the merits of the case.

9. With this observation this Original Application is disposed of at the admission stage itself.

**(Ramesh Singh Thakur)
Judicial Member**

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