

(2021) 09 CAT CK 0031

In the Central Administrative Tribunal

Case No : Original Application No. 181, 00474 Of 2021

D Mohamed Manikfan

APPELLANT

Vs

Vs Administrator Union & Others

RESPONDENT

Date of Decision : 28-09-2021

Acts Referred:

Citation : (2021) 09 CAT CK 0031

Hon'ble Judges : P. Madhavan, Member J; K.V. Eapen, Member (A)

Bench : Division Bench

Final Decision : Disposed Of

Judgement

P. Madhavan, Member J

1. This Original Application has been filed by the applicant seeking the following reliefs:

"(a) To direct the respondents to award the monetary benefits of third financial up-gradation under the Modified Assured Career Progression Scheme to the applicant in the Grade Pay of Rs. 7600/- w.e.f.28.09.2015 on completion of 30 years of service in Lakshadweep Public Works Department and to re-fix the pay w.e.f.28.09.2015 and to re-fix pensionary benefits w.e.f. 1.11.2017 after re-fixing the pay and disburse the arrears forthwith;

(b) To direct the respondents to consider and dispose of the representations at Annexure A5, Annexure A7 and Annexure A9 adverting to Annexure A2 judgment and to grant the financial benefits due to the applicant w.e.f. 28.09.2015;

(c) Any other appropriate order or direction as this Hon'ble Tribunal deems fit and cost of the application."

2. Brief facts of the case are as follows:

The applicant started off his service as Junior Engineer (GP of Rs.4200/-) in Lakshadweep Public Works Department on 28.09.1985 and he was further

promoted to the post of Assistant Engineer (GP of Rs.4600/-) w.e.f. 27.01.1999. He was granted 2nd MACP w.e.f. 01.09.2008 in the GP of Rs.4800/-. Later he was promoted as Executive Engineer (GP of Rs.6600/-) on ad-hoc basis on 23.07.2015. He was not granted any pay fixation but only the difference of GP (i.e, Rs.1800/-). He is entitled to get the financial benefits of 3 rd MACP on completion of 30 years of service in the GP of Rs.7600/- w.e.f. 28.09.2015. Despite repeated representation, no final decision has been taken. Hence, this OA is filled.

3. When the matter came up for consideration, it appears that Annexure A9 representation is still pending before the respondents and no action has been taken so far. It appears that the Vigilance Clearance Certificate is also furnished as per Annexure A10 and if the representation is disposed of, the matter can be settled.

4. Adv.Mr.S. Manu takes notice on behalf of the respondents and submits that he has no objection in disposal of the representation.

5. In view of the above submission, without going into the merits, we direct the competent authority to consider Annexure A9 representation in the light of the relevant rules and regulations, the Vigilance Clearance Certificate and the decision of the Hon'ble High Court in Annexure A2 and pass a speaking and reasoned order within a period of three months from the date of receipt of a copy of this order.

6. The Original Application is disposed of as above at the admission stage itself. No costs.