

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH****O.A. No.061/00098/2020**

Chandigarh, this the 31st January, 2020

**HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MS. NAINI JAYASEELAN, MEMBER (A)**

1. MES No.503564- Sh. Bansi Lal s/o Sh. Jodhu Ram, aged 65 years, r/o Village Battal Balian, Udhampur (J&K)-182121.
2. MES No. 503978-Mela Ram s/o Sh. Ram Saran, working as Mate Fitter Pipe o/o GE (South) Udhampur-J&K-182121.
3. Sh. Sat Pal s/o Sh. Bishan Das, working as working as Mate Fitter Pipe o/o GE (South) Udhampur-J&K-182121
4. MES No. 507068-Krishan Lal s/o Sh. Gulta, working as Mate Mason o/o GE (South) Udhampur-J&K-182121.
5. MES No. 502736-Abdul Rashid s/o Habib Shah, working as Mate Painter o/o GE (South) Udhampur-J&K-182121.
6. MES No. 506210, Munshi Ram s/o Sh. Nathu, working as Mate o/o GE (Utility) Udhampur-J&K-182121.
7. MES No.506209, Girdhari Lal s/o Sh. Shankar Dass working as Mate Cop o/o GE (U) Udhampur-J&K-182121.
8. MES No. 505338, Sh. Jagan Nath s/o Sh. Paras Ram, working as Mate o/o GE (U) Udhampur-J&K-182121.



9. MES No. 506207, Kewal Krishan s/ Sh. Hem Raj, working as Mate o/o GE (South) Udhampur-J&K-182121.
10. MES No. 507558, Sh. Bhikhu Ram s/o Sh. Shuni Lal, working as Mate Fitter Pipe o/o GE (South) Udhampur-J&K-182121.
11. MES no. 507358, Rasheed Mohd, s/o Nazam Mohd. Din, r/o Village Kalta-Udhampur-JK-182121.
12. MES No. 364657, Rattan Lal s/o Sh. Lala, r/o Village Karorian, Udhampur-182121.
13. MES No. 503526, Sh. Vishwa Nath s/o Sh. Roop Chand, r/o Village Chak, Udhampur-182121.
14. MES No. 505751, Dev Raj s/o Sh. Ram Chan, Village Chak, Udhampur (JK) 182121.
15. MES No. 505553, Sh. Kaka Ram s/o Sh. Davi Chand, Village Rathian, Udhampur- J&K.
16. MES No. 504041, Chunni Lal s/o Sh. Des Raj, Village Tathian, Udhampur -182121.
17. MES No. 507264, Sh. Tilak Raj s/o Sh. Sita Ram, r/o Village Jib, Udhampur-182121.
18. MES No. 313618, Sh. Kaka Ram s/o Sh. Mangat Ram, r/o Village Sayal Salan, Udhampur-182121.
19. MES No. 505530, Bansi Lal s/o Sh. Suraj Ram, Vill Satani, Udhampur-182121.
20. MES No. 505336, Madan Lal s/o Sh. Parma Nand, Village Rembal, Udhampur(J&K)-182121.



21. MES No. 503841, Bansi Lal s/o Sh. Kusal Chand r/o Vill. Padanoo, Udhampur-182121.
22. MES No. 312884, Dewan Chand s/o Sh. Sundru, r/o Vill. Pantha, Katra-181201.
23. MES No. 507183, Shanker Dass s/o Sh. Sukh Ram, r/o Vill Kawa, Udhampur-182121.
24. MES No. 504073, Lal Chand s/o Sh. Devi Dass, Vill Khrodian, Udhampur-182121.
25. MES No. 311996- Prem Chand s/o Sh. Faquir Chand c/o Sh. Bansi Lal s/o Sh. Jodu Ram, aged 65 years, r/o Village Tund Battal Balian, P.O. Khrodian, Udhampur (J&K).
26. MES No. 363839, Ishwar Dass s/o Sh. Jita Ram, Bansi Lal s/o Vill Battal Balian, P.O. Khrodian, Udhampur (J&K),-182121.
27. MES No. 359153, Sh. Dev Raj s/o Sh. Roop Chand R/o Vill. Battal Ballian Udhampur-182121.
28. MES No. 312884, Sukh Dev Singh s/o Sh. Kripal Singh r/o Vill. Ram Nagar, Udhampur-182121.
29. Smt. Renu Rani w /o Sh. Dodi Ram, r/o Vill. Kawa, Udhampur-182121.
30. MES No. 364787, Sh. Des Raj s/o Sh. Duni Chand, r/o Vill Battal Ballian, Udhampur-182121.
31. MES No. 374778, Masaya Ram s/o Sh. Fittoh Ram, r/o Vill Battal Ballian, Udhampur-182121.



32. MES No. 364484, Sh. Des Raj s/o. Sh. Durga Dass, r/o Vill Battal Ballian, Udhampur-182121.
33. MES No. 364757, Sh. Rattan Lal s/o Sh. Lala Ram r/o Vill. Kharodan, Udhampur-182121.
34. MES No. 507066, Smt. Pushpa Devi w/o Late Sh. Pothi Ram, Vill. Jib, Udhampur-182121.
35. MES No. 505708, Smt. Shakuntla Devi w/o Sh. Des Raj, Vill Karthal Ballian, Udhampur-182121.
36. MES No. 365286, Sh. Rattan Chand s/o Sh. Nandu Ram, r/o Vill Sanal Riti, Udhampur-182121.
37. MES No. 503923, Sh. Bodh Raj s/o Sh. Than Pal, r/o Vill Rathian, Udhampur-182121.

(All the applicants are Group-C employees)

.....Applicants

(BY: MR. K.B. SHARMA, ADVOCATE)
Versus

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi-110011.
2. The Engineer in Chief, Military Engineer Services, Engineer-in-Chief's Branch, Integrated Headquarters of MoD (Army), Kashmir House, Rajaji Marg DHQ, PO, New Delhi-110011.
3. The Chief Engineer, Head Quarters, Northern Command, MES, Udhampur c/o 56 APO-900386.
4. Commander Works Engineer, MES, Udhampur -900386.
5. Garrison Engineer, (U), MES, Udhampur, P.O. Garhi, Udhampur-900386.



6. Garrison Engineer, (South), MES, Udhampur, P.O. Garhi, Udhampur-900386.
Principal Controller of Defence Accounts (P), Draupadi Ghat, Allahabad (U.P.)- 211001.

.....Respondents

O R D E R(Oral)

SANJEEV KAUSHIK, MEMBER (J):

1. MA No. 061/00194/2020 is allowed and the applicants are permitted to join together to file this O.A.
2. Applicants are before this Court seeking issuance of a direction to the respondents to decide their claim for grant of financial upgradation, which is pending consideration, in the shape of legal notice dated 02.01.2019 (Annexure A-10).
3. Heard.
4. Learned counsel contended that though the legal notice has been replied to but no order has been passed in accordance with the Rules and relevant policy, which could be challenged before a Court of law. Therefore, he prayed that the respondents be directed to consider the claim of the applicants, as raised in the indicated legal notice, strictly in accordance with the rules, relevant policy and the case law relied upon by them.
5. Considering the limited prayer made on behalf of the applicants, this O.A. is disposed of, in limine, with a direction



to the respondents to consider the claim of the applicants in terms of the Rules, Policy and case law relied upon by them, by passing a reasoned and speaking order, so that if it is contrary to the law and rules, the same could be challenged before a Court of law. The needful be done within a period of two months from the date of receipt of a copy of this order, under intimation to the applicants.

6. Needless to mention, the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case. No costs.

(Ms. Naini Jayaseelan)
Member (A)

Place: Chandigarh
Dated: 31.01.2020

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(Sanjeev Kaushik)
Member (J)