



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 4010/2015

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New Delhi, this the 22nd day of January, 2020

**Hon'ble Mr. S. N. Terdal, Member (J)
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Arun Dass, aged 43 years,
S/o Lt. Sh. Dhola Dass,
Working as Highly Skilled-II Worker,
Ordnance Factory, Dehradun (UK),
R/o Garhwali Colony, Lane No. 71, Type – III,
Nehru Gram, Dehradun.
2. Devi Dutt Joshi, aged 43 years,
S/o Sh. N. Joshi,
Working as Highly Skilled-II Worker,
Ordnance Factory, Dehradun (UK),
R/o Bangha Khala, PO Ranjhawala,
Raipur, Dehradun.

...Applicants

(By Advocate: Mr. Yogesh Sharma)

Versus

1. Union of India through the Secretary,
Ministry of Defence, Govt. of India,
South Block, New Delhi.
2. The Director General,
Ordnance Factory Board, Ministry of Defence,
Govt. of India, 10-A, S.K. Bose Road,
Kolkatta.
3. The Principal Controller of Accounts (Fys),
Ministry of Defence,
Govt. of India, 10-A, S. K. Bose Road,
Kolkatta.
4. The Senior General Manager,
Ordnance Factory, Raipur,
Dehradun (UK).

...Respondents



(By Advocate: Mr. Piyush Gaur)

O R D E R (ORAL)

S. N. Terdal, Member (J):-

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We heard Mr. Yogesh Sharma, learned counsel for the applicant and Mr. Piyush Gaur, learned counsel for the respondents.

2. At the time of hearing, learned counsel for the applicant submitted an order dated 11.12.2019 passed by this Tribunal in OA No. 4033/2015 and submitted that the said OA is identical to the present OA. The relevant paras of the order passed in OA No. 4033/2015, read as under:-

“7. From the above facts and from the facts ascertained at the time of hearing from the counsel for the respondents, it is crystal clear that the respondents have not given any option or opportunity to the applicant before passing the impugned order dated 21.07.2012. Therefore, we are of the view that the order dated 21.07.2012, passed without giving an opportunity of hearing to the applicant, is therefore, arbitrary and illegal. Consequently, the impugned order dated 21.07.2012 is set aside with respect to the applicant. The counsel for the respondents further submitted that Annexure A-2 order dated 01.07.2015 has been passed after considering the representation of the applicant. But, since the original order dated 21.07.2012 is passed without giving any opportunity to the applicant, subsequent order dated 01.07.2015 is also set aside.



8. In view of above, the respondents are directed to give an opportunity of hearing or option to the applicant with regard to their taking action on the basis of the above-said structuring or restructuring. Thereafter considering the representation submitted by the applicant, the respondents are at liberty to take action as per law within two months from the date of receipt of certified copy of this order. There shall be no order as to costs."

3. Learned counsel for the respondents submitted that OA No. 4033/2015 and the present OA are not identical and pointed out that the order dated 09.10.2015 which was passed considering the representation of the applicant has not been challenged by the applicant, but this aspect is also considered in the order passed in OA No. 4033/2015.

4. After going into the facts of the case, we are of the view that both these OAs are Identical. Hence, the present OA is disposed of in terms of above extracted order passed in OA No. 4033/2015 dated 11.12.2019. Pending MAs, if any, shall stand disposed of. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(S.N. Terdal)
Member (J)

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