

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.367/2020 with MA Nos.343 & 405/2020

This the 06th day of November, 2020

**COROM : Hon'ble Shri Jayesh V. Bhairavia, Member (J)
Hon'ble Dr. A.K.Dubey, Member (A)**

1. Bhogilal C. Solanki
Son of Shri Chimanlal Dudhabhai Solanki
Aged about 66 years
Safaiwala-C (Rtd.) PR #8055
L/12, Rudra Prayag Flats
Ranip Bus Stands, Ranip,
Ahmedabad 382 480.

2. B.D.Vaghela
Son of Shri Damabhai Bavjibhai Vaghela
Aged about 67 years
Safaiwala-C (Rtd.) PR #8075
B-101, Akash Apartment,
Nr. Gram Panchayat Office,
Memnagar, Ahmedabad

3. M.J.Parmar
Son of Shri Jivabhai Govabhai Parmar
Aged about 68 years
Bearer B (Rtd.) PR #9207
C-5, Pavan Apartments
Nr. Sainath Hospital, Opp. Kabir Enclave
Ghuma- Ahmedabad 380 058.

4. Shri Maganbhai H. Vaghela
Son of Shri Hirabhai Vaghela
Aged about 70 years
Sweeper -C (Rtd.) PR #8053
Since deceased through his wife
Leelaben Maganbhai Vaghela
B-4, Pavan Apartments
Nr. Sainath Hospital, Opp. Kabir Enclave
Ghuma- Ahmedabad 380 058.

CAT, Ahmedabad Bench

5. Shri M.S.Parmar
Son of Shri Sivabhai Parmar
Aged about 69 years
Bearer -B (Rtd.) PR #9226
Since deceased through his wife
Hansaben Muljibhai Parmar
C-8, Siddhi Vinayak Apartments
Patidar Society, Dr. Gyatri Temple,
Juna Vadaj, Ahmedabad 380 058. Applicant

(By Advocate : Shri A.L.Sharma)

Versus

1. Union of India,
Notice to be served through
The Secretary,
Department of Space (ISRO)
Government of India, Antariksh Bhavan,
New BEL Road, Bangalore 560 094.
2. The Chairman
PRL Council of Management
Department of Space, Govt. of India
Antariksh Bhavan,
New BEL Road, Bangalore 560 094.
3. The Director,
Physical Research Laboratory
Govt. of India, Navrangpura,
Ahmedabad 380 009. Respondents.

ORDER – ORAL

Per : Hon’ble Shri J.V. Bhairavia, Member (J)

Counsel for the applicant, Shri A.L.Sharma submits that the applicants retired from the service long back, but their grievance for not extending similar benefits of re-designation, category changed promotion & extension of option to GPF/ Pension Scheme at par with

similarly placed employee of PRL has not been considered by the respondents till date.

Counsel for the applicant also brought to the notice of this Tribunal that the minutes of the meeting held on 27.02.2019 between the respondents and National Commission for Schedule Castes, New Delhi, wherein at item No.5, the point was raised that “recommendation of two-men committee was accepted and implemented by the Department in cases of similarly placed employee namely one Shri Suresh Vaghela (Retired Safaiwala) in terms of direction of NC-SC, which is equally applicable in case of similarly placed retired nine Safaiwalas of PRL under the Department of Space are deprived of granting the benefits of re-designation to Helper, promotion to Technician-A under category change and CPF to GPF at par with other retired employee of PRL i.e. Shri Suresh Vaghela, in respect to the said point the committee had stated in the Column of the Action Point that “*it was concluded that the concerned employees may represent to the PRL*”. By lying upon this, counsel for the applicant submits that the respondents ought to have considered and decide the pending representation of the applicants in accordance with the service rules, instructions issued time to time as per the service record of the applicants. After arguing for some time, counsel for the applicant submits that the applicants will be satisfied, if appropriate direction be issued to the respondents to consider their pending representation.

Further, it is submitted that the applicants have filed an MA No.405/2020 for condonation of delay along with MA No.343/2020 for Joint Application.

2. It is also submitted that the claim of the applicants pertains to the benefits of pension etc., therefore, it is continues cause of action. However, in the month of February, 2019 when the grievance of the applicants was discussed by the respondents themselves with NC-SC as stated above, the representation of the applicants required to be considered, however, the same has not been considered till date. Hence, this OA.

3. Considering the aforesaid submissions and on perusal of the material on record, prima facie, it appears that the grievance of the applicants ought to have been considered by the respondents as they have agreed in the meeting dated 27.02.2019 with NCSC as noted hereinabove. Further, since the grievance of the applicant relates to extension of benefits of pension etc. and also claimed the parity, we deem it fit to dispose of the OA with direction to the respondent Nos.2 & 3 to consider their representations in accordance with the existing rules and service condition of the applicants as expeditiously, but not later than ninety days from the date of receipt of a copy of this order. We make it clear that we have not expressed any opinion on the merits of the claim of the applicant including the claim of the parity.

CAT, Ahmedabad Bench

4. In view of the above, the OA stands disposed of. Both the MAs bearing Nos. 343 & 405 of 2020 also stand disposed of.

5. Registry is directed to send copy of this order to the counsel for the applicant through email.

(A.K.Dubey)
Member (A)

(J.V.Bhairavia)
Member (J)

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