



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

Hearing by Video Conferencing

O.A. No.060/804/2021

Chandigarh, this the 4th day of August, 2021

HON'BLE SH. SURESH KUMAR MONGA, MEMBER (J)

(On video conference from Central Administrative Tribunal,
Chandigarh Bench, Chandigarh)

HON'BLE SH. RAKESH KUMAR GUPTA, MEMBER (A)

(On video conference from Central Administrative Tribunal,
Bangalore Bench, Bangalore)

M.L. Sharma S/o Late Sh. Daulat Ram, aged 72 years,
Sanskrit Teacher (Group C) (Retd.), Resident of H. No.
893, Himshikha-134104, District Panchkula (Haryana).

...Applicant

(BY ADVOCATE: Sh. J.R. Syal)

VERSUS

1. Union of India through Secretary, Ministry of Home Affairs,
North Block, New Delhi-110001.
2. Union Territory, Chandigarh through Secretary Education,
U.T. Chandigarh, Deluxe Building, Sector 9-D, Chandigarh-
160009.
3. Director Public Instructions (S), U.T. Chandigarh,
Additional Deluxe Building, Sector 9-D, Chandigarh-
160009.
4. Accountant General (A&E) Punjab & U.T. Chandigarh,
Lekha Bhawan, Plot No. 21, Sector 17-E, Chandigarh-
160017.

...Respondents

O R D E R(Oral)**Per: SURESH KUMAR MONGA, MEMBER (J):**

1. Sh. J.R. Syal, learned counsel for the applicant submitted that before filing the present Original Application, the applicant had submitted a representation dated 15.02.2021 (Annexure A-11) making therein a request to respondents to restore the full pension in accordance with the instructions of the Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Pension & Pensioners' Welfare bearing No. 4/34/2002-P&PW (D). Vol.II dated 23.06.2017 as well as the similar instructions issued by the Government of Punjab vide Office Memorandum No. 4/91/2002-3FPPC/2932 dated 22.03.2003. Since the respondents failed to take a decision over the applicant's said representation, therefore, the applicant got issued a Legal Notice (Annexure A-12) through his counsel on 15.03.2021.
2. However, neither the said Legal Notice has been replied by the respondents nor the applicant has been granted the relief as claimed by him in his representation dated 15.02.2021 (Annexure A-11).



3. Contention of the learned counsel for the applicant is that the applicant has a right to have considered his representation.

4. Learned counsel still further submitted that the applicant will be satisfied if a direction is issued to the respondents to treat his Legal Notice dated 15.03.2021 (Annexure A-12) as his representation and pass a reasoned and speaking order over the same within a time frame.

5. Keeping in view the aforestated limited prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application, at the admission stage itself, without entering into the merits of the case.

6. Accordingly, the Original Application is disposed of with a direction to Education Secretary, Chandigarh Administration, Chandigarh to treat the applicant's Legal Notice dated 15.03.2021 (Annexure A-12) as his representation and pass a reasoned and speaking order over the same in accordance with law. Before taking such a decision, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of two months from the date of receipt of a certified copy of this order.



7. Ordered accordingly. However, there shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)
Member (A)

(SURESH KUMAR MONGA)
Member (J)

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