



**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

**ORIGINAL APPLICATION NO. 060/00387/2020**

**DATED THIS THE 15<sup>th</sup> DAY OF SEPTEMBER, 2021**

**CORAM:**

**HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)**

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

**HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)**

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

MES No. – 220009 Kuldip Singh Kandra, S/o Late Sh. Pritam Singh Kandra, aged around 80 years (Retired JSW), R/o Flat No.- 3310, Sector 46 C, Chandigarh – 160047. (Group B)

....Applicant

(By Advocate Sh. D.R. Sharma – through video conference)

Vs.

1. Union of India through the Secretary, Ministry of Defence, South Block, New Delhi – 110011.
2. The Director General (Personnel), Engineer-in-Chief's Branch E1B (P&A), Integrated Headquarters of MoD (Army), Kashmir House, New Delhi – 110011.
3. The Chief Principal Controller of Defence Accounts, DraupadiGhat, Allahabad – 211003.
4. The Garrison Engineer (Air Force), MES, Ambala Cantt. – 133001.

.....Respondents

(By Advocate Sh. Sanjay Goyal – through video conference)



## O R D E R (ORAL)

**PER: SURESH KUMAR MONGA, MEMBER (J)**

1. The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 making therein the following prayer :
  - (i) That the records of the case be called, in the interest of justice.
  - (ii) The action of the respondents denying promotion to the applicant as ASW be set aside and a direction be issued to decide the case of the applicant as per assurance contained in Annexure A-3.
  - (iii) It be declared that since the duties and functions / responsibilities of JSW and ASW were same the applicant be held entitled to the benefit of difference of pay and allowances of the promoted post of ASW w.e.f. the date his juniors have been promoted in pursuance of DPC held in December 2008 and panel issued on 30.01.2009 and consequently revise his pensionary benefits from October, 1999 onwards and to make payment thereof with interest in view of judgment dated 12.01.2017 (Annexure – 9) as the applicant had actually worked as the post of JSW involving same functions and responsibilities.
2. Learned counsel for the applicant submitted that the applicant's case was considered for promotion to the grade of ASW by the Departmental Promotion Committee for the vacancy year 1994-95 but his fitness could not be assessed due to non availability of his ACRs.
3. Learned counsel further submitted similarly situated person namely Sh. Surinder Nath had filed an O.A. No. 1442/HR/2013 before this Tribunal which was allowed on 25.05.2016 and the judgement rendered by this



Tribunal has already been affirmed by the Hon'ble High Court of Punjab and Haryana by way of a judgement and order dated 17.12.2019 passed in CWP No. 4238 of 2017 (O&M).

4. While drawing our attention towards a letter dated 02.12.2016 (Annexure A-3), learned counsel for the applicant further submitted that there is no reason with the respondents to not to consider the applicant's case now.
5. Confronted with the letter dated 02.12.2016 (Annexure A-3), Sh. Sanjay Goyal, learned Sr. CGSC submitted that the Original Application may be disposed of with a direction to respondents to decide the pending issue.
6. In view of the above, the Original Application is disposed of with a direction to respondents to decide the pending issue while keeping in view the judgement dated 25.05.2016 rendered by this Tribunal in O.A. No. 1442/HR/2013 which has further been affirmed by the Hon'ble High Court of Punjab and Haryana by way of a judgement and order dated 17.12.2019 passed in CWP No. 4238 of 2017 (O&M).
7. Let the necessary orders be issued by the respondents within a period of 3 months from the date of receipt of a certified copy of this order.
8. Ordered accordingly. However, there shall be no orders so as to costs.

**(RAKESH KUMAR GUPTA)**  
**MEMBER (A)**

**(SURESH KUMAR MONGA)**  
**MEMBER (J)**