

2

LOK ADALAT
CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

Chandigarh, this the 06TH Day of December, 2014

1. O.A. No.060/00535/2014 & M.A. 060/00817/2014
2. O.A. No. 060/00586/2014
3. O.A. No. 060/00603/2014 & M.A. No.060/00962/2014
4. O.A. No.060/00653/2014 & M.A. No.060/01054/2014
5. O.A. No.060/00960/2014 & M.A. No.060/01390/2014
6. O.A. No.060/01088/2014
7. O.A. No. 060/01089/2014



...
CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MR. UDAY KUMAR VARMA, MEMBER (A).

...
1. O.A. No.060/00535/2014 & M.A. 060/00817/2014

1. Smt. Saranjit Kaur, age 46 years, W/o Late Shri Balwinder Singh, resident of Village Parchh, PO Mullanpur, Tehsil Kharar, District Mohali.
2. Jatinder Singh, age 27 years, S/o Late shri Balwinder Singh, resident of Village Parchh, PO Mullanpur, Tehsil Kharar, District Mohali.

...**APPLICANTS**

VERSUS

1. Union Territory, Chandigarh Administration through its Secretary, Engineering Department, U.T. Civil Secretariat, Sector-9D, Chandigarh.
2. Chief Engineer, Union Territory, Chandigarh Administration, U.T. Civil Secretariat, Sector-9, Chandigarh.

...**RESPONDENTS**

Present: Sh. Barjesh Mittal, counsel for the applicants.
Sh. Arvind Moudgil, counsel for the respondents.

...
2. O.A. No. 060/00586/2014

1. Smt. Paramjit Kaur, Age about 44 years, W/o Late Shri Mohinder Singh, resident of Village Parchh, PO Mullanpur, Tehsil Kharar, District Mohali.
2. Baljinder Singh, Age 26 years, S/o Late Shri Mohinder Singh, resident of Village Parchh, PO Mullanpur, Tehsil Kharar, District Mohali.

...APPLICANTS

VERSUS

1. Union Territory, Chandigarh Administration through its Secretary, Engineering Department, U.T. Civil Secretariat, Sector-9D, Chandigarh.
2. Chief Engineer, Union Territory, Chandigarh Administration, U.T. Civil Secretariat, Sector-9, Chandigarh.
3. Commissioner, Municipal Corporation, Deluxe Building, Sector 17, Chandigarh.
4. Chief Engineer, Municipal Corporation, Deluxe Building, Sector 17, Chandigarh

...RESPONDENTS

Present: Sh. Barjesh Mittal, counsel for the applicants.

Sh. Rakesh Verma, counsel for Respondents No.1 and 2.

Sh. Arvind Moudgil, counsel for Respondents No.3 and 4.

3. O.A. No. 060/00603/2014 & M.A. No.060/00962/2014

1. Smt. Megavaran, aged about 46 years, W/o Late Shri Anbalagan, resident of H. No.6081, Village Maloya, Chandigarh.
2. Saktivel, aged 24 years, S/o Late Shri Ambalagan, resident of H. No.6081, Village Maloya, Chandigarh.

...APPLICANTS

VERSUS

1. Union Territory, Chandigarh Administration through its Secretary, Engineering Department, U.T. Civil Secretariat, Sector-9D, Chandigarh.
2. Chief Engineer, Union Territory, Chandigarh Administration, U.T. Civil Secretariat, Sector-9, Chandigarh.
3. Commissioner, Municipal Corporation, Deluxe Building, Sector 17, Chandigarh.
4. Chief Engineer, Municipal Corporation, Deluxe Building, Sector 17, Chandigarh

...RESPONDENTS

Present: Sh. Barjesh Mittal, counsel for the applicants.

Sh. Rakesh Verma, proxy for Sh. Aseem Rai, counsel for Respondents No.1 and 2.

Sh. Arvind Moudgil, counsel for Respondents No.3 and 4.

**4. O.A. No.060/00653/2014 &
M.A. No.060/01054/2014**

1. Smt. Amarjit Kaur, age 48 years, W/o Late Shri Jaspal Singh, resident of H. No.12, Bhaisa Tibba, Mansa Devi Complex, Sector-4, Panchkula.
2. Gurjeet Singh, age 25 years, S/o Late Shri Jaspal Singh, resident of H. No.12, Bhaisa Tibba, Mansa Devi Complex, Sector-4, Panchkula.

**...APPLICANTS
VERSUS**

1. Union Territory, Chandigarh Administration through its Secretary, Engineering Department, U.T. Civil Secretariat, Sector-9D, Chandigarh.
2. Chief Engineer, Union Territory, Chandigarh Administration, U.T. Civil Secretariat, Sector-9, Chandigarh.
3. Commissioner, Municipal Corporation, Deluxe Building, Sector 17, Chandigarh.
4. Chief Engineer, Municipal Corporation, Deluxe Building, Sector 17, Chandigarh

...RESPONDENTS

Present: Sh. Barjesh Mittal, counsel for the applicants.
 Sh. Rakesh Verma, proxy for Sh. H.S. Sullar, counsel for Respondents No.1 and 2.
 Sh. Arvind Moudgil, counsel for Respondents No.3 and 4.

5. O.A. No.060/00960/2014 & M.A. No.060/01390/2014

1. Smt. Kulwant Kaur, aged 49 years, W/o Late Shri Nirmal Singh, resident of Village Parchh, P.O. Mullanpur, Tehsil Kharar, District Mohali.
2. Devinder Singh, aged 24 years, S/o Late Shri Nirmal Singh, resident of Village Parchh, P.O. Mullanpur, Tehsil Kharar, District Mohali.

**...APPLICANTS
VERSUS**

1. Union Territory, Chandigarh Administration through its Secretary, Engineering Department, U.T. Civil Secretariat, Sector-9D, Chandigarh.
2. Chief Engineer, Union Territory, Chandigarh Administration, U.T. Civil Secretariat, Sector-9, Chandigarh.

...RESPONDENTS

Present: Sh. Barjesh Mittal, counsel for the applicants.
 Sh. Arvind Moudgil, counsel for the respondents.

6. **O.A. No.060/01088/2014**

Smt. Rani Devi, aged about 40 years, W/o Late Sh. Ram Pal, resident of H. No.104, Village Bhainsa Tibba, Near Mansa Devi Complex, Sector 4, Panchkula.

...APPLICANT

VERSUS

1. Union Territory, Chandigarh Administration through its Secretary, Engineering Department, U.T. Civil Secretariat, Sector-9D, Chandigarh.
2. Chief Engineer, Union Territory, Chandigarh Administration, U.T. Civil Secretariat, Sector-9, Chandigarh.
3. Commissioner, Municipal Corporation, Deluxe Building, Sector 17, Chandigarh.
4. Chief Engineer, Municipal Corporation, Deluxe Building, Sector 17, Chandigarh

...RESPONDENTS

Present: Sh. Barjesh Mittal, counsel for the applicant.

Sh. Rakesh Verma, counsel for Respondents No.1 and 2.

Sh. Arvind Moudgil, counsel for Respondents No.3 and 4.

7. **O.A. No. 060/01089/2014**

Smt. Prito Devi, aged about 47 years, W/p Late Sh. Abhey Ram, resident of Village Gurha, P.O. Mullanpur, Tehsil Kharar, Distt. Mohali

...APPLICANT

VERSUS

1. Union Territory, Chandigarh Administration through its Secretary, Engineering Department, U.T. Civil Secretariat, Sector-9D, Chandigarh.
2. Chief Engineer, Union Territory, Chandigarh Administration, U.T. Civil Secretariat, Sector-9, Chandigarh.
3. Commissioner, Municipal Corporation, Deluxe Building, Sector 17, Chandigarh.
4. Chief Engineer, Municipal Corporation, Deluxe Building, Sector 17, Chandigarh

...RESPONDENTS

Present: Sh. Barjesh Mittal, counsel for the applicant.

Sh. Rakesh Verma, counsel for Respondents No.1 and 2.

Sh. Arvind Moudgil, counsel for Respondents No.3 and 4.

O R D E R (Oral)

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J):-

1. Since facts and relief claimed in these OAs are similar, with the consent of parties these are being disposed of through this common order. For facilitation, relief clause is taken from O.No.060/00535/2014 which reads as under:

"8(ii) That the respondents may be directed to consider the applicant No.1, widow of deceased late Sh. Balwinder Singh, work charge Beldar, for allowing grant of family pension and other retiral benefits by treated him as deemed regularized as permissible under the rules in view and in terms of judgment dated 3.4.2014 (Annexure A-1) passed by the Hon'ble Supreme court, in terms of judgment passed by this Tribunal in Babli Devi's case (Annexure A-2), Urmil Kanta's case (Annexure A-4) and both judgments upheld by Hon'ble High Court (Annexure A-3 and A-5) as well as judgment A-12 and direct the respondents to grant family pension/retiral benefits w.e.f. 01.3.2007 with all other consequential benefits in terms of arrears of family pension and retiral etc. vic. Ex gratia, DCRG, Leave Encashment, GIS etc. with interest @ 18% per annum.

(iii) That respondents be directed to consider case of applicant No.2 for grant of appointment on compassionate grounds as per directions already passed by DB of this Tribunal in Babli Devi's case (A-2) as well as in Urmil Kanta's case (A-4) against any available vacancy under 5% quota meant for the purpose, by sending his case to the common committee for consideration and thereby pass a reasoned and speaking order duly communicated to him. This prayer has also been made by applicant No.2 in terms of judgment A-2 and A-4 upheld vide A-3 and A-5 by Hon'ble High Court/Supreme Court."

2. Sh. Barjesh Mittal, appearing on behalf of the applicants submitted that despite orders passed by this Court in Smt. Babli Devi and

Anr. Vs. U.T. Chandigarh and Anr. which has further been affirmed by the Hon'ble High Court of Punjab and Haryana, Chandigarh, the respondents have not considered the case of the applicants. Therefore, he made a prayer that the respondents may be directed to consider and decide claim of the applicants in the light of order passed by this Court. He also submitted that the ratio of judgment laid down in the case of U.T Chandigarh and Anr. Vs. Sampat and Others in Civil Appeal No.6779 of 2009 decided by the Hon'ble Supreme Court on 3.4.2014 may also be considered while deciding claim of the applicants.

3. Learned counsel for the respondents stated that in a similar matter in O.A. No.060/00219/2014 (Maya & Anr. Vs. U.O.I.), the respondents have themselves passed order granting them some benefit and that OA has been disposed of by order of even date directing the respondents therein to consider release of further benefits in terms of the directions of this Court in Order dated 13.08.2013 in OA No.793/PB/2012 titled "Babli Devi & Anr. Vs. UOI & Ors.". He stated that the claim of the applicants will also be considered in the light of judgments cited above and if the claim of the applicants is found to be covered by the ratio passed by this Court, they will also be granted the relevant benefits.

4. Considering ad idem between the parties, the respondents are granted three months' time to consider and decide claim of the

7

applicants in the light of judgments cited by learned counsel for the applicants. No costs.

(UDAY KUMAR VARMA)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Place: Chandigarh.
Dated: 06.12.2014.

'KR'

Certified True Copy/प्रमाणित सत्य प्रतिलिपि

अनुभाग अधिकारी (स्कॉ) / Section Officer (Jadl.)
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
चंडीगढ़ याइ/ Chandigarh Bench
31/12/14
30/12