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CENTRAL ADMINISTRATIVE TRIBUNAL CHANDIGARH BENCH

...
ORIGINAL APPLICATION NO.060/00279/2014
Chandigarh, this the 13th Day of May, 2015

CORAM: HON'BLE MRS. RAJWANT SANDHU, MEMBER (A).
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J).

1. Anil Kumar S/o Sh Wazir Chand R/o 187A SBS Nagar, Dalhousie Road, Pathankot.
2. Ex Subedar Jasbir Singh, S/o Sh Kuljit Singh R/o Kartar Nagar, Chherta, Amritsar.
3. Ex Subedar Avtar Singh Sandhu, S/o Sh Darshan Singh R/o Anmol Enclave, VPO Mahal, Tehsil and District Amritsar.
4. Ex Subedar Kuldip Singh, S/o Sh Sukhdev Singh R/o VPO Vila Teja, Tehsil Batala, District Gurdaspur.
5. Ex Subedar Swarn Singh, S/o Sh Mangal Singh R/o Mirankot Chark, Khairabad Road, Amritsar.
6. Ex Naib Subedar Gurmit Singh, S/o Sh Kashmir Singh R/o Village Bhagwanpur PO Kotli Surthmali, District Gurdaspur.
7. Ex Subedar Rajinder Singh, S/o Sh Dhani Ram R/o Vill. Pantehar PO Taragasri Tehsil Nainath District Kangra.
8. Ex Subedar Balwinder Singh S/o Sh Gian Singh R/o Niki Niko Saran, PO Talwandi Rama The –DBN, District Gurdaspur.
9. Ex Naib Subedar Bhishambar Singh S/o Sh Saran Singh 6782, R/o Ram Gali No.4 Nagar Colony, Amritsar.
10. Ex Subedar Balwinder Singh S/o Sh Swaran Singh R/o 5, New Anmol Enclave, Ram Tirth Road, VPO Mahal, District Amritsar.
11. Ex Subedar Manjit Singh, S/o Sh Joginder Singh R/o VPO Sarchurh Tehsil Batala District Gurdaspur
12. Ex Subedar Joginder Pal Singh, S/o Sh Sukhdev Singh R/o VPO Badala Kalan Tehsil Baba Bakala, District Amritsar.
13. Ex Naib Subedar Uttam Singh S/o Sh Ragbir Singh R/o Vill Jandri, PO Ranipur, Tehsil and District Pathankot.
14. Ex Naib Subedar Banarsi Dass S/o Sh Basant Singh R/o VPO Dodwan Tehsil and District Gurdaspur.
15. Ex Subedar Gurdev Singh S/o Sh Bachiter Singh R/o 33, Gali Pir Baba Kikree Saheed Nagar, Naraingarh, Amritsar. M —

16. Ex Havaldar Ramesh Chand, S/o Sh Dogri Ram R/o VPO Mahanka, Tehsil Baijnath, District Kangra.
17. Ex Subedar Kuldeep Singh, S/o Sh Paras Ram R/o Vill Chighar PO Amroh Tehsil and District Hamirpur.
18. Ex Subedar Raj Kumar S/o Sh Lachhi Ram R/o Vill Mahlag, PO Malanoo Tehsil and District Kangra
19. Ex Naib Subedar Subhash Chand, S/o Sh Ramlok Singh R/o Vill Samhoon, PO Dangri Tehsil and District Hamirpur.
20. Ex Subedar Harbhajan Singh, S/o Sh Jamna Dass R/o 60 Professor Colony Rama Mandi Jalandhar Cantt.
21. Ex Subedar Balbir Singh Pannu S/o Sh Gian Singh R/o VPO Khadoor Saab, Tehsil and District Taran Taaran
22. Ex Subedar Sukhwinder Singh S/o Sh Karnail Singh R/o VPO Timowal, Tehsil Baba Bakala, District Amritsar.
23. Ex Subedar Harpal Singh S/o Sh Gurcharan Singh R/o Lango Mahal PO Chamian, Tehsil and District Ajanala.
24. Ex Naib Subedar Tarilok Singh S/o Sh Harnam Singh R/o Vill Dhamrai PO Dinanagar District Gurdaspur.
25. Ex Havldar Sarabjit Singh S/o Sh Bakhshish Singh R/o Vill Bhamboi PO Dadiyala Tehsil Batala District Gurdaspur.
26. Ex Subedar Sukhwinder Singh S/o Sh Chanan Singh R/o VPO Kot Dharam Chand Kalan Tehsil and District Amritsar.
27. Ex Subedar Surinder Singh S/o Sh Kartar Singh R/o Vill Granthpur PO Gardiwalla Tehsil Dasuya District Hoshiarpur
28. Ex Subedar Daljeet Singh S/o Sh Sujan Singh R/o Vill Khulwinder PO Bhakra Tehsil Sri Naina Devi Ji, District Bilaspur.
29. Ex CPO Wtr Jagan Nath S/o Sh Birbal R/o VPO Jheal Tehsil Dharamsala District Kangra.
30. Ex Havldar K.R. Appukuttam Pillai S/o Sh Raghwan Pillai R/o Vill Aroor Tehsil Shertaka Disrtrict Alappuzha Kerela
31. Ex Subedar Vijay Kumar, S/o Sh Babu Ram R/o Vill Kundadhalawal PO Jangal Tehsil and District Gurdaspur.
32. Ex Subedar Satish Kumar, S/o Sh Mansa Ram R/o 34 New Colony Una Road, Hoshiarpur.
33. Ex Havldar Suresh Kumar Sharma, S/o Sh Mansa Ram Sharma R/o 37, Saraswat Viha Jodha Mahal Road, Hoshiarpur.
34. Ex Subedar Jarnail Singh, S/o Sh Kishan Singh R/o 4, Ward No. 4 Colony Nagar, ITT GT Road, Gurdaspur.

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35. Ex Naib Subedar Swaran Singh S/o Sh Raghbir Singh R/o Arjun Nagar, Colony No.4 PO Sujanpur, Tehsil and District Gurdaspur.
36. Ex Subedar Gurmej Singh S/o Sh Hari Singh R/o Vill Shalopur PO Chack Sharif Tehsil and District Gurdaspur.
37. Ex Niab Subedar Raunak Singh S/o Sh Piara Singh R/o Nandpur PO Kairon Tehsil and District Taran Taaran.
38. Ex Havldar Wazir Singh S/o Sh Mohinder Singh R/o VPO Bhaghpur Tehsil Patti District Taran Taaran.
39. Ex Havldar Ram Kumar S/o Sh Partap Singh R/o Vill Heerbeh PO Belhakahal Tehsil Mukheriaan District Hoshiarpur.
40. Hony Captain Swinder Singh S/o Sh Sangara Singh R/o Vill Meeke PO Villbaju Tehsil Batala District Gurdaspur.
41. Ex Naib Subedar Lal Chand S/o Sh Prem Chand R/o Vill Paphan PO Jounka Ratiyal Tehsil Jawali District Kangra.
42. Ex Subedar Jagir Singh S/o Sh Mohinder Singh R/o Vill Salopur PO Chack Sahrif Tehsil and District Gurdaspur.
43. Havaldar Balkar Singh S/o Sh Gurdial Singh R/o 3030 Bigichi Hari, Ram Tirath Road, Amritsar.
44. Havaldar Raj Singh S/o Sh Karan Singh R/o VIII-Odhra, PO Dasua, Tehsil Mukerian, District Hoshiarpur.

...APPLICANTS

VERSUS

1. Union Of India, through General Manager, Northern Railways Baroada House, New Delhi.
2. Secretary, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, New Delhi.
3. General Manager, All Indian Railways and Production Units, Ministry Of Railways, Railway Board, New Delhi.
4. Chief Workshop Manager, Northern Railway Mechanical Workshop, Amritsar.

...RESPONDENTS

Present: Sh. APS Sandhu, counsel for the applicants.
Sh. Lakhinder Bir Singh, counsel for the respondents.

/s/ — .

ORDER**BY HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)**

1. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:

"8(i) Set aside order dated 29.05.2012 passed by respondent no.4 being arbitrary, non speaking, passed without assigning any reasons whereby the representation of the applicants was disposed of arbitrarily in a single line without properly telling the applicants that how the pay of the applicants is fixed according to the rules and not adhering to the principles of natural justice.

(ii) Issue directions to the respondents to take into consideration the service rendered by the applicants in the army for fixation of pay in the form of increments for the service so rendered."

2. Rejoinder and Written statement have been filed on behalf of the applicants and respondents respectively.

3. When the matter came up for consideration, learned counsel for the respondents stated that similar matters have been decided vide order dated 01.05.2015 in OAs. No.060/00277/2014 (Prithvi Nath Tiwari and Ors. vs. UOI & Others) and 060/00827/2014 (Narinder Pal vs. UOI & Others) and claim made in these OAs had been rejected.

4. Learned counsel for the applicants fairly submitted that judgment dated 01.05.2015 in Prithvi Nath Tiwari and Narinder Pal (Supra) is applicable to the present OA also as the facts and issues are similar.

Ms —

5. It is seen that O.As No.060/00277/2014 and 060/00827/2014 were decided vide order dated 01.05.2015, para 10 of which reads as follows:

"10. We have given our careful consideration to the matter. From the content of para 4(a), 4(b) (i) and 4(d) as reproduced above it is quite clear that the applicants who retired after 01.01.2006 and who were reemployed in 2011 are not entitled to protection of their Military Service Pay as claimed by them. The judgments cited by the learned counsel for the applicants are not material to this case as these relate to the pre 2006 position while the applicants have retired after 2006 and have only got re-employment in 2011. They have also accepted the employment with open eyes as it was clear to them as per their appointment letters that no pay protection would be admissible to them. Hence there being no merit in these OAs, the same are rejected."

6. Considering ad-idem between the parties and order dated 01.05.2015, this O.A. is rejected.

(DR. BRAHM A. AGRAWAL)
MEMBER (J)

(RAJWANT SANDHU)
MEMBER (A)

Place: Chandigarh.
Dated: 13.05.2015.

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