

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH**

O.A. NO.060/00021/2014

Decided on: 10.01.2014

**Coram: Hon'ble Mr. Sanjeev Kaushik, Member (J)
Hon'ble Mr. Uday Kumar Varma, Member (A)**

1. Abhijit Ray S/o Late Sh. Prabhat Ray (Retd) r/o 26 Moore Avenue, Kolkata – 700040.
2. N.H. Reddy s/o Late N. Ramachandra Reddy (Retd) r/o 201, Arihant Ashoka Apartments, 1-10-11, Ashok Nagar, Hyderabad – 500020.
3. Sushil Gupta s/o Sh. I.P. Gupta r/o # B 702, Aravali Heights, Sector 21-C, Faridabad 121001.
4. Anita Gupta w/o Sh. Sushil Gupta r/o # B 702, Aravali Heights, Sector 21-C, Faridabad 121001.
5. Manoj Shrivastava s/o Late Sh. B.M. Shrivastva (Retd) r/o C-1, 303 Gulmohar Enclave, Rakesh Marg, Ghaziabad – 2010001.
6. P.C. Chandra s/o Late B.N. Chandra (Retd) r/o D 61/3-3 Siddhagiri Bagh, P.O. Mahmoor Ganj, Varanasi – 221010 (UP).
7. D. Satheesachandran Thambi, S/o Sh. Divakaran Nair (Retd.) r/o "ROHINI" T.C. 36/617, YMA Road, DESRA 25, Perumthanni, Trivandrum – 695008.
8. B. Jaya Kumar s/o Shri B. Papaiah (Retd) r/o Flat A1- 101, Lunkad Gold Coast, Viman Nagar, Pune- 411014
9. Arun Kumar s/o Late Sh. H.C. Sharma, F-10, Andrews Ganj Extn. New Delhi – 110049.
10. Dr. K. Md. Najeeb s/o Late Sh. B.F. Moideer Kunhi r/o 525/40, CPWD Quarters, 27th Main, Sector 1, HSR Layout, Bangalore.

11. C.P. Srivastava s/o Late B.N. Srivastava (Retd) r/o A-I/504, Vishnu Hi-tech City, E-8 Extn. Near Dana Pani Restaurant, Bhopal - 462039
12. A.K. Bhatia s/o Late N.K. Bhatia (Retd) r/o # 679, Sector 8, Panchkula.
13. K.P. Singh s/o Late Rama Shankar Singh (Retd.) r/o 74/21, Shipra Path, Mansarovar, Jaipur.
14. R.N. Singh s/o Late Jagdish Prasad Singh (Retd) O/o A-11, Fortune Glory Extn. Bawada Kalan, Bhopal - 462039.
15. Dr. S.B. Singh s/o Late V.D. Singh(Retd.) r/o 1081, Windsor Park, Vaibhav Khand, Indirapuram, Ghaziabad.
16. N. Varadraj s/o Sh. S. Nallathambi (Retd.) r/o 11/31-32, Swamy Shivanand Salai, Rasipuram, Namakkal District 637 408 (Tamil Nadu)
17. R.S. Thakur s/o Late Pratap Singh (Retd.) r/o House No. 44-B, Pocket-I, Sector 18, Rohini, New Delhi -110089.
18. R.P. Mathur s/o Late B.S. Mathur (Retd) r/o K-23, Shyam Nagar, Janpath, Jaipur.
19. R.C. Jain s/o Shri Yugal Kishor Jain (Retd) r/o B-502, Creative Hut, Sector 21-C, Faridabad.
20. D.S. Saini s/o Late Ram Kishan Singh r/o Kothi No. 30, Sector 59, Phase IV, Mohali, Punjab.

.....Applicant
Versus

1. Union of India through Secretary, Ministry of Water Resources, New Delhi.
2. Central Ground Water Board, NH-IV, Bhujai Bhawan, Faridabad, Haryana through its Chairman

3. DOP&T through Secretary, Ministry of Personnel, Public Grievances and Pensions, CGO Complex, North Block, New Delhi.

.....Respondents

Present: Mr. Dhiraj Chawla, counsel for the applicants
Mr. Deepak Agnihotri, counsel for the respondents

Order (Oral)

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

1. Heard.
2. By way of the present O.A., the applicants have sought issuance of a direction to the respondents to grant them promotion by way of financial up-gradation under Flexible Complimentary Scheme to the Grade of Scientist 'C' w.e.f. 28.05.1986, with all consequential benefits.
3. Learned counsel for the applicants contends that since the similar benefit has already been allowed in O.A. NO. 1032/1996 titled V. Sambasiva Rao Vs. U.O.I. & Others decided on 13.04.1999 by the Principal Bench of C.A.T., New Delhi, therefore, the denial thereof to the applicants herein, who are similarly placed, is discriminatory. In support of his contention, he has placed reliance upon a judgment rendered in the case of **State of Karnataka &**

1
L

Others Vs C. Lalitha (2006(2) RSJ 19). It is further stated that the claim of the applicants has been favourably recommended to the Respondent No. 1 but he is sitting tight over the matter and no decision, whatsoever, has been taken by him so far.

4. Learned counsel for the applicants states that the applicants would be content if a time-bound direction is given to the respondents to consider and take a view on the claim of the applicants.
5. Since the prayer herein has been restricted to issuance of a simple direction to the respondents to take a view in the matter, there is no need to issue notice to the respondents and call for their reply. However, Mr. Deepak Agnihotri, learned Sr. Standing Counsel, who is having advance notice, appears on behalf of the respondents. He expresses his no objection to the disposal of the case in the requested manner.
6. Accordingly, the O.A. stands disposed of, with a direction to Respondent No. 1 to consider the claim of the applicants and take a view in the matter in the light of judgment rendered in the case of V. Sambasiva (supra), within a

1
L

period of two months. If on consideration, the applicants are found entitled to the claimed benefits, the same may be extended to them within a period of one month and if the claim is found to have no merits, a reasoned and speaking order thereon be passed.

7. Needless to say, we have not expressed any opinion on the merits of the case.
8. No costs.

**(UDAY KUMAR VARMA)
MEMBER (A)**

**(SANJEEV KAUSHIK)
MEMBER (J)**

**PLACE: Chandigarh
Dated: 10.01.2014**

'mw'