

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 3718/2017
M.A. No. 3924/2017

New Delhi, this the 26th day of October, 2017

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)**

1. Hemendra Singh Rawat,
Division-II, Group 'C'
Aged about 56 years
S/o Late Shri Birender Singh Rawat
R/o 12, Bengali Mohalla, Karanpur,
Dehradun, Uttarakhand
2. Munna Singh Rathore,
Division-II, Group 'C'
Aged about 59 years
S/o Late Shri Daulat Singh
R/o Brahmepuri, Near Shiv Mandir,
Lane-2, Niranjanpur, Dehradun, Uttarakhand
3. Tikam Singh,
Division-II, Group 'C'
Aged about 59 years
S/o Late Shri Machho Singh
R/o Rajeshwar Nagar, Phase-5
Sahastradhara Road, Dehradun, Uttarakhand
4. Rajendar Singh,
Division-II, Group 'C'
Aged about 52 years
S/o Late Shri Ratan Singh
R/o 232/5, Ashok Vihar, Salawala,
Dehradun, Uttarakhand
5. Som Kumar Khanduri,
Division-II, Group 'C'
Aged about 54 years
S/o Late Shri Jiva Nand Khanduri
R/o 51/1, Dobhal Wala,
Dehradun, Uttarakhand
6. Pradeep Kumar Kukreti,
Division-II, Group 'C'

Aged about 54 years
S/o Shri Kabool Chand
R/o Vill & P.O. Balawala,
Dehradun, Uttarakhand

7. Ashok Kumar Lamyan,
Division-II, Group 'C'
Aged about 49 years
S/o Shri Prem Singh
R/o G-11, Survey Estate, Hathiborkala,
Survey of India, Dehradun, Uttarakhand
8. Puneet Baloni,
Division-II, Group 'C'
Aged about 46 years
S/o Shri Sachidanand Baloni
R/o G-80, Halchibarkla Estate, Survey Colony,
Dehradun, Uttarakhand
9. Rajesh Ratan Barthwal,
Division-II, Group 'C'
Aged about ___ years
S/o Late Shri R.P. Barthwal,
R/o Dhoolkot Selaqui,
Dehradun, Uttarakhand
10. Narendra Kumar Balodi,
Division-II, Group 'C'
Aged about 53 years
S/o Late Shri C.P. Balodi
R/o G-16, Halchibarkla Estate,
Dehradun, Uttarakhand
11. A.P. Dhyani,
Division-II, Group 'C'
Aged about 58 years
S/o Late Shri P.N. Dhyani
R/o G-60, Halchibarkla Estate,
Dehradun, Uttarakhand
12. Abhinandan Joshi,
Division-II, Group 'C'
Aged about 53 years
S/o Late Shri G.D. Joshi
R/o Gram Gujrada, Near Telephone Exchange,

Sahastradhara Road,
Dehradun, Uttarakhand

13. Naresh Kumar Kapoor,
Division-II, Group 'C'
Aged about 58 years
S/o Late Nand Lal Kapoor
R/o 226/244, Khurbura, Block-III,
Near Guru Nanak Girls School,
Dehradun, Uttarakhand
14. Avinash Kumar Shukla,
Division-II, Group 'C'
Aged about 59 years
S/o Late Shri D.D. Shukla
R/o 84, Karanpur,
Dehradun, Uttarakhand
15. Surbir Singh,
Division-II, Group 'C'
Aged about 53 years
S/o Late Shri Prem Singh
R/o Shanti Kunj Lane-3, Nathapur,
P.O. Nehrugram, Dehradun, Uttarakhand
16. Ramesh Mohan Kaushal,
Division-II, Group 'C'
Aged about 60 years
S/o Late Shri R.D. Shastri
R/o H.No.86, Near Panchayat House,
Raipur Road, Dehradun, Uttarakhand
17. Pal Singh Khevadiya,
Division-II, Group 'C'
Aged about 55 years
S/o Shri Baljit Singh,
R/o A-11, Rispananagar, Haridwar Road,
Dehradun, Uttarakhand
18. Ravi Shanker,
Division-II, Group 'C'
Aged about 53 years
S/o Shri Kiran Shanker
R/o Vill. Miyanwala, P.O. Harrawala,
Dehradun, Uttarakhand

19. Ashok Kumar,
 Division-II, Group 'C'
 Aged about 58 years
 S/o Late Shri Bharat Singh
 R/o Ram Nagar, Ladpur, Raipur Road,
 Gali No.4, Dehradun, Uttarakhand

20. Rajesh Kumar Verma,
 Division-II, Group 'C'
 Aged about 48 years
 S/o Shri Prakash Chand
 R/o T/3/164, Hathibarkla Estate,
 Dehradun, Uttarakhand .. Applicants

(By Advocate : Shri M.K. Bhardwaj)

Versus

1. Union of India & ors.
 Through Its Secretary,
 Department of Science & Technology
 Technology Bhawan,
 New Mehrauli Road,
 New Delhi.

2. Surveyor General of India,
 Surveyor General Office,
 Hathibarkla Estate,
 Dehradun, Uttarakhand. .. Respondents

(By Advocate : Shri Rajesh Katyal)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard Shri M.K. Bhardwaj, learned counsel for the applicants and Shri Rajesh Katyal, learned counsel, who appeared on behalf of the respondents on receipt of advance notice.

2. MA 3924/2017 filed for joining together is allowed.

3. The Applicants, who are presently working as Division II Grade II under the 2nd respondent – Surveyor General of India, filed the O.A. seeking the following relief(s):

- “(i) To direct the respondents to extend the benefits of judgment and order dated 22.08.2014 rendered in O.A. No.2620/2012, S.P. Ringola & Ors. vs. Union of India & Ors. by counting the training period as eligible service for grant of financial upgradation under ACP/MACP Scheme and grant Financial upgradations to all the applicants under aforesaid ACP & MACP Scheme from due date with all arrears of pay as given to similarly placed persons/applicants in OA No.2620/2012.
- (ii) To allow the O.A. with costs.
- (iii) Any other relief which the Hon’ble Tribunal deem fit and proper may also be granted to the applicants.”

4. It is submitted that the identical issue has already been decided by this Tribunal and the judgment is enclosed to this O.A. vide Annexure A-2, and the applicants are similarly placed like the applicants in the said O.A. No.2620/2012 dated 22.08.2014 in S.P. Ringola & Others vs. Union of India & Others.

5. It is also submitted that the applicants made number of representations including Annexure A-3 dated 17.03.2017 to the 2nd respondent ventilating their grievances. However, no orders have been passed thereon till date by the 2nd respondent.

6. However, the 2nd respondent, in turn, vide Annexure A-I dated 01.06.2017 sought the guidance/advice of the 1st respondent, whether to implement the aforesaid order in respect of all the employees, including the applicants. However, it appears that the 1st respondent has not replied to the said letter of the 2nd respondent.

7. Shri Rajesh Katyal, learned counsel appearing for the respondents, submits that this Tribunal has no territorial jurisdiction to entertain the present O.A. as all the applicants are working in Dehradun and the 2nd respondent is also situated at Dehradun. However, the learned counsel has not disputed that the 2nd respondent has written Annexure A-I letter dated 01.06.2017 to the 1st respondent seeking guidance/advice, whether to apply Annexure A-2 decision to all the employees including the applicants.

8. Since part of cause of action arose within the jurisdiction of this Tribunal, we cannot accept the objection with regard to the territorial jurisdiction of the respondents' counsel.

9. In the circumstances, the O.A. is disposed of at the admission stage itself, without going into the other merits of the case, by directing the respondents to consider the claim of the applicants, as

reflected in Annexure A-I dated 01.06.2017, and take a final view in the matter, keeping in view of the decision of this Tribunal in O.A. No.2620/2012 (Annexure A-2) enclosed to the O.A., and to pass appropriate speaking and reasoned orders thereon, in accordance with law, within 90 days from the date of receipt of a copy of this order. No order as to costs.

Let a copy of this O.A. be enclosed to this order.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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