

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

ORIGINAL APPLICATION NO. 060/01042/2016

Chandigarh, this the 2ND day of May, 2018

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

...

R.C. Sharma, son of late Sh. Babu Ram Sharma, aged 77 years,
resident of House No. 522, Sector 16, Panchkula, Tehsil and
District Panchkula (Haryana) Group-C.

....APPLICANT

(Argued by: Shri Vivek Suri, Advocate)

VERSUS

1. Union of India through Secretary to Govt. of India, Ministry of Defence, South Block, New Delhi.
2. Engineer-in-Chief, Army Headquarters, DHQ, Post Office Kashmir House, New Delhi-110011.
3. Garrison Engineer, Air Force, Chandigarh-160003.
4. PCDA Pension, Dropdi Ghat, Allahabad (U.P.).

....RESPONDENTS

(By Advocate: Shri Sanjay Goyal)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

By means of present Original Application (O.A.), the applicant has challenged the validity of order dated 18.11.2015 (Annexure A-6), whereby the respondents have rejected his claim for grant of higher pay scale by passing a speaking order.

2. Facts are not in dispute.
3. We have heard the learned counsel for the respective parties.

4. Mr. Suri, learned counsel appearing for the applicant submitted that earlier the applicant had approached the jurisdictional High Court by filing CWP No. 24987/2014, for issuance of a writ in the nature of mandamus, directing the respondents to consider and decide his claim for grant of pay scale to the post attached in the Post & Telegraph Department on the principle of equal pay for equal work. The said Writ Petition was disposed of vide order dated 8.12.2014 with a direction to respondents therein to take a view on the pending representation dated 14.12.2012. In furtherance to order of Hon'ble High Court, the respondents have passed the impugned order dated 18.11.2015, which is under challenge in the present O.A.

5. Mr. Suri, learned counsel for the applicant argues that the applicant in his representation has raised various pleas for grant of same pay scale, which is attached to the post in the P & T Department, but they have not been dealt with by the respondents, while rejecting his claim. Therefore, he submitted that the impugned order be quashed and set aside and respondents be directed to decide his representation by dealing with each and every point raised by him.

6. Mr. Goyal, learned counsel for respondents submitted that the respondents have considered and decided his representation and dealt with every point raised in his representation, therefore, the applicant cannot be granted the relief as claimed in his representation.

7. We have given our thoughtful consideration to the entire matter and have perused the representation submitted by the applicant as well as speaking order passed by the respondents thereon, rejecting his claim for grant of desired relief. It is seen that the respondents have not considered all the points raised by the applicant in his representation for grant of relevant benefits, which they were supposed to decide as per the order of Hon'ble High Court. Accordingly, the impugned order is quashed and set aside and the matter is remitted back to the competent authority amongst the respondents with a direction to pass a fresh reasoned and speaking order after considering every points raised by the applicant in his representation. The above exercise be carried out within a period of two months from the date of receipt of certified copy of this order.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 02.05.2018

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