

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/01083/2018

Chandigarh, this the 10th day of September, 2018

...
**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. AJANTA DAYALAN, MEMBER (A)**

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1. Guddu Ram, age 55 years, S/o Late Sh. Amarnath, working as MTS/Mazdoor O/o Area Manager, CSD Depot, Pathankot R/o Salaria Nagar, Near Baba Balak Nath Temple, Dhangu Road, Pathankot, Punjab – 145001 (Group C)
2. Anil Kumar, age 58 years, s/o Late Sh. Dass Ram, working as MTS/Mazdoor, O/o Area Manager, CSD Depot, Pathankot R/o House No. 84, B-III, Garttoli Mohalla, Pathankot, Punjab- 145001 (Group C)
3. Mohan Lal, age 58 years, S/o Sh. Vadhawa Ram, working as MTS/Mazdoor O/o Area Manager, CSD Depot, Pathankot, R/o Garttoli Mohalla, Pathankot, Punjab – 145001.
4. Onkar, age 54 years, S/o Sh. Surat Ram, working as MTS/Mazdoor, O/o Area Manager, CSD Depot, Pathankot R/o Manwal Bagh, Pathankot, Punjab – 145001 (Group C)
5. Ganga Ram, age 53 years, S/o Sh. Kartar Chand, working as MTS/Mazdoor O/o Area Manager, CSD Depot, Pathankot R/o Kache Quarter, Partap Nagar, Pathankot, Punjab – 145001 (Group C)
6. Sawaran Singh, age 53 years, S/o Sh. Narmu Ram, working as MTS/Mazdoor O/o Area Manager, CSD Depot, Pathankot R/o Krishna Nagar Camp Dinanagar, Gurdaspur, Punjab – 143531 (Group C).
7. Rattan Lal, age 56 years, S/o Sh. Samma Ram, working as MTA/Mazdoor, O/o Area Manager, CSD Depot, Pathankot R/o H. No. 191, Modal Town Partap Nagar, Pathankot – 145001 (Group C).
8. Krishan Lal, age 54 years, S/o Sh. Kharo Ram, working as MTS/Mazdoor O/o Area Manager, CSD Depot, Pathankot R/o House No. 271, Nathu Nagar Dangu Road Pathankot, Punjab – 145001 (Group C).
9. Mehar Chand, age 56 years, S/o Sh. Surat Ram, working as MTS/Mazdoor, O/o Area Manager, CSD Depot, Pathankot R/o Village Jakhbar, P.O. Sujjanpur, Pathankot, Punjab – 145023 (Group C).
10. Joginder Singh, age 49 years, S/o Sh. Sansar Ram, working as MTS/Mazdoor, O/o Area Manager, CSD Depot, Pathankot R/o House No. 207, Partap Nagar, Pathankot, Punjab – 145001 (Group C)
11. Raghbir Singh, age 55 years, S/o Sh. Ram Dhan, working as MTS/Mazdoor O/o Area Manager, CSD Depot, Pathankot R/o Kache Quarter Partap Nagar, Pathankot, Punjab – 145001 (Group C).
12. Vijay Kumar, age 52 years, S/o Sh. Om parkash, working as MTS/Mazdoor O/o Area Manager, CSD Depot,

- Pathankot, R/o House No. 206, Kabir Nagar Mohalla, Pathankot, Punjab – 145001 (Group C)
13. Chaman Lal, age 55 years, S/o Late Sh. Dharam Chand, working as MTS/Mazdoor O/o Area Manager, CSD Depot, Pathankot, R/o House No. 171, Kache Quarter, Model Town Pathankot, Punjab – 145001 (Group C).
 14. Sham Lal, age 57 years, S/o Sh. Sadu Ram, working as MTS/Mazdoor O/o Area Manager, CSD Depot, Pathankot R/o House No. 208, Narot Colony, Partap Nagar, Pathankot, Punjab – 145001 (Group C).
 15. Narain Singh, age 49 years, S/o Sh. Panjab Singh, working as MTS/Mazdoor O/o Area Manager, CSD Depot, Pathankot R/o House No. 206, Narot Colony, Partap Nagar, Pathankot, Punjab – 145001 (Group C).
 16. Sutanter Kumar, age 51 years, S/o Late Sh. Soti Lal, working as MTS/Mazdoor O/o Area Manager, CSD Depot Pathankot R/o Peer Baba Moti Shah, Village Tibber, Gurdaspur, Punjab – 143529 (Group C).
 17. Ajaib Singh, age 53 years, S/o Late Sh. Pala Singh, working as MTS/Mazdoor O/o Area Manager, CSD Depot, Pathankot, R/o Village Naushera Nal Bandan, Pathankot, Punjab – 145025 (Group C).
 18. Surinder Singh, age 51 years, S/o Late Sh. Amarnath, working as MTS/Mazdoor O/o Area Manager, CSD Depot, Pathankot R/o House No. 314, Mohalla Shiv Nagar, Tehsil and District Pathankot, Punjab – 145001 (Group C)

....Applicants

(Present: Mr. Barjesh Mittal, Advocate)

Versus

1. Union of India through its Secretary, Ministry of Defence, Govt. of India, Parliament Street, New Delhi -110001.
2. General Manager, Govt. of India, Ministry of Defence, Canteen Stores Department, "ADELPHI" 119, M.K. Road, Mumbai – 400020.
3. Regional Manager (North), Govt. of India, Ministry of Defence, Canteen Stores Department, Bari Brahmana, District Samba (J &K) – 181133.
4. Area Depot Manager, CSD Depot, Pathankot, Punjab – 145001.

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Respondents

(Present: Mr. Ram Lal Gupta, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. For the reasons stated therein, MA NO.060/01367/2018 is allowed and the applicants are allowed to join together in this single O.A.

2. By way of the present O.A, the applicants have sought mainly the following relief:-

“(i) That a direction in the nature of mandamus be issued directing Respondent No. 2 to count the service rendered by the applicants as daily rated Mazdoor’s from their initial date of engagement prior to their regularization and add the same with their regular service as regular Mazdoor for the purpose of grant of benefit of financial upgradation under ACP and MACP Scheme in terms of judgments Annexures A-2 to A-6 and further grant them the benefit of financial upgradation along with all other consequential benefits and arrears thereof as admissible to the applicants along with interest @ 10% p.a. within the time frame to be fixed by this Hon’ble Tribunal in the interest of justice.”

3. On the commencement of hearing, learned counsel submitted that before approaching this Court, the applicants have moved a representations dated 30.04.2016/20.01.2017(Annexure A-1 colly), seeking the relief, as claimed in this O.A., on the basis of decision of this Court and various judgments of various Hon’ble High Courts, on the issue. He has also drawn our attention to a letter dated 11.07.2018 to buttress his plea that the similarly situated persons have already been given the relevant benefits. He prayed that let the respondents be directed to decide the claim of the applicants in the light of the judicial pronouncements on the issue, and in view of the fact that the similarly circumstanced employees have been granted the relevant benefits, arising out of those judicial pronouncements.

4. Notice.

5. Mr. Ram Lal Gupta, Advocate, appears and accepts notice on their behalf. He submits that he does not object to the disposal of the O.A. in the aforementioned terms.

6. Considering the consensual agreement between the learned counsel for the parties, this O.A. is disposed of with a direction to the respondents to consider and decide the claim of the applicants,

by passing a reasoned and speaking order, in accordance with law and other grounds available to them, if any, within a period of two months from the date of receipt of a copy of this order. MA No. 060/01036/2018 stands disposed of accordingly.

7. Needless to mention, the disposal of the O.A. shall not be construed as expression of any opinion on the merits of the case.

(AJANTA DAYALAN)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 11.09.2018

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