

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

**O. A. No.63/828/2017 &
O.A. No.60/172/2018**

...
Date of decision: 12.02.2018

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

...
(I). O. A. No.63/828/2017

1. Jagar Singh S/o Sh. Gangu Ram, age 68 years, R/o VPO Chanour, Teh. Indora, Distt. Kangra (HP) Group 'C'.
2. Chain Singh, S/o Late Sh. Kanshi Ram, age 67 years, R/o Vill. Toki, PO Chhani, Teh. Indora, Distt. Kangra (HP).
3. Tarsem Lal S/o Late Sh. Ram Pyara, age 66 years, R/o VPO Damtal, Teh. Indora, Distt. Kangra (HP).
4. Raj Kumar S/o Late Sh. Nagar Mal, age 63 years, R/o Vill Chack Bharain, I & Distt. Kangra (HP).
5. Basant Lal S/o Late Sh. Mani Ram, age 67 years, R/o VPO Chanour, I, Indora, Distt. Kangra (HP).
6. Kewal Chand S/o Late Sh. Rasilo Ram, age 65 years, R/o VPO Dah, Teh. Indora, Distt. Kangra (HP).
7. Ajit Singh S/o Sh. Chaudhary Ram, aged 64 years, R/o Village Thankar, PO Tikker, Tehsil Sarkaghat, Distt. Mandi (H.P.).

VERSUS

... APPLICANTS

1. Union of India through Secretary, Government of India, Ministry of Defence, New Delhi.
2. Director General of Ordinance Services-cum-Master General of Ordinance Branch, Army Headquarters, DHQ, Kashmir House, Rajaji Marg, New Delhi.
3. Commandant, 9 Field Ordinance Depot, C/o 56 APO.

... RESPONDENTS

(II). O.A. No.60/172/2018

Duni Chand S/o Sh. Gangu Ram, aged 56 years, presently working as Tent Mender under Commandant, 9 Field Ordinance Depot, C/o 56 APO, Pathankot, Punjab. (Group C)

... APPLICANTS

1. Union of India through Secretary, Government of India, Ministry of Defence, South Block, New Delhi.
2. Director General of Ordinance Services-cum-Master General of Ordinance Branch, Army Headquarters, DHQ, Kashmir House, Rajaji Marg, New Delhi.
3. Commandant, 9 Field Ordinance Depot, C/o 56 APO.

... RESPONDENTS

PRESENT: Sh. Jagdeep Jaswal, counsel for the applicants.
Sh. K. K. Thakur, counsel for the respondents.

ORDER (Oral)

...
SANJEEV KAUSHIK, MEMBER (J):-

1. This order will dispose of above captioned two OAs, because it involve identical facts and relief claimed therein.
2. With the consent of parties, matter is taken up for final disposal.
3. Heard Sh. Jaswal, who vehemently argues that the impugned order rejecting the claim of the applicants has been passed without application of mind as the issue for grant of skilled grade status to Tent Menders has already been decided by this Court in the case of **Mangat Ram & Ors. vs. UOI & Ors.** O.A. No.60/624/2014 decided on 16.04.2015, which has been affirmed by jurisdictional High Court by dismissing the Writ Petition No.5328 of 2016 on 21.03.2016 at the hands of the respondents. He submitted that applicants being similarly placed submitted representation for grant of benefit as allowed in the case of Mangat Ram (supra), which has been rejected by the respondents illegally and arbitrarily that too without giving reason that how the cases of the applicants are different than those to whom benefit has been granted. He further submitted that similar order has been passed in the case of similarly placed person rejecting their claim on the plea that they (respondents) are going to file SLP. He argued that the said SLP (C) No.4903/2012 has already been dismissed on 10.07.2017. Therefore, he submitted that the impugned order be quashed, matter be remitted back to the respondents to consider it afresh in the light of dismissal of SLP.
4. Respondents while accepting contention raised by the applicants did not dispute the factual accuracy.

5. Sh. K.K. Thakur submitted that they be given chance to reconsider the matter.
6. We have heard learned counsel for the parties and are in agreement with the submissions made at the hand of the applicants that the impugned order cannot sustain being non-speaking order as it does not contain reason that how the applicants are not entitled for the relief claimed based upon judicial pronouncement in the case of similarly placed persons. Therefore, the impugned order is quashed and set aside, the matter is remitted back to reconsider the case of the applicants in the light of dismissal of SLP within a period of two months from the date of receipt of a certified copy of this order. If the applicants are held entitled to benefit, the same be granted to them otherwise reasoned order be passed. However, arrears will be restricted to 18 months prior to filing of the O.As.
7. Both the O.As are disposed of with the above directions.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 12.02.2018.
Place: Chandigarh.

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