

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

**OA No.60/246/2017 &
MA No.60/1335/2018**

Chandigarh, this the 26th day of November, 2018

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

...

S.K. Kaushal, aged 67 years, S/o Late Shri Isher Dass, SAO (Retd.), Group-A, R/o #42, Ground Floor, Inside Raman Enclaves, Shimla Apartment, Sector 117, Chajju Majra, Punjab-140301.

....APPLICANT

(Present: Mr. Jagdeep Jaswal, Advocate)

VERSUS

1. Union of India through Secretary to Government of India, Ministry of Defence, South Block, New Delhi-110011.
2. Controller General of Defence Accounts, Ulan Batar Road, Palam, Delhi Cantt.-110010.
3. Principal Controller Defence Accounts (Western Command), Chandigarh.

....RESPONDENTS

(Present: Mr. Ram Lal Gupta, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J):-

1. The present Original Application (OA) has been filed by the applicant assailing the impugned order dated 19.08.2016 (Annexure A-1) issued by respondent no.3, whereby the part II order No.497 dated 27.08.2015 issued in favour of the

applicant has been cancelled, and speaking order dated 28.02.2017 (Annexure A-12), on the grounds of being in violation of principles of nature justice and discriminatory and violative of Articles 14 and 16 of the Constitution of India.

2. After exchange of pleadings, the case came up for hearing today.
3. On the commencement of hearing, learned counsel for the respondents apprise this court that the order of this court in case of **Jaswant Singh Dhiman and another versus Union of India and others**, in OA No.063/00154/2015 decided on 22.03.2017, on which the applicant has relied upon has been challenged before the Hon'ble Jurisdictional High Court at the hand of Government of India, in CWP No.25861 of 2017 titled as **Union of India and others versus Jaswant Singh Dhiman and others**. The Hon'ble High Court vide interim order dated 03.07.2018, adjourned the matter sine-die to await the outcome of the pending SLP on similar issue. Therefore, it is prayed that the matter is adjourned sine-die, to counter the submissions as above.
4. Learned counsel for the applicant submitted that let this petition be disposed of as in the case of *Jaswant Singh Dhiman (supra)*, and the applicant will abide by the decision to be taken in the pending case in the Hon'ble Supreme Court.

5. Based upon the decision to be given by the Hon'ble Supreme Court in the pending SLP. Order passed by the Hon'ble Jurisdictional High Court reads as under:-

"Learned counsel for the petitioner has filed an affidavit stating that the issue involved in the present case is pending adjudication before the Hon'ble Apex Court in SLP (C) No. 2147-2148 of 2017 wherein notices have been issued.

Judicial propriety demands that since an identical issue is pending adjudication before the Hon'ble Supreme Court, this writ petition should await the outcome thereof.

The proceedings are thus adjourned sine-die to await the outcome of the pending SLP. Liberty is given to the counsel for the parties to bring on record any subsequent development which may take place in the pending SLP before the Hon'ble Supreme Court."

6. In the light of the above, we dispose of this petition in the same terms as in the case of *Jaswant Singh Dhiman (supra)*.
7. Connected MA also stands disposed of.

P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 26.11.2018.

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