

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

(CIRCUIT BENCH AT SHIMLA)

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**ORIGINAL APPLICATION NO. 063/00310/2018 & M.A. No.
063/00405/2018**

Chandigarh, this the 15th day of March, 2018

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

...

1. Vineeta Sharma, w/o Shri Sanjay Sharma, presently residing at Hari Om Bhawan, Second Floor, Comley Bank, Shimla-171003 (H.P.), presently working as LDC, H. Qrs. Army Training Command, Shimla (H.P.).
2. Hema Kaundal, w/o Shri Roshan Lal Kaundal, Set No. 5, Type-II, Fair Home, Longwood, Shimla 171001 (H.P.), presently working as LDC, H.Qrs. Army Training Command, Shimla (H.P.).
3. Manju Sharma, W/o Dr. Shashi Kant Sharma, resident of Shastri Niwas, Anandale, Simla 171003 (H.P.).

....APPLICANTS

(Argued by: Shri A.K. Vashista, Advocate)

VERSUS

1. Union of India through Secretary (Defence), Ministry of Defence, South Block, DHQ, New Delhi-110011.
2. Director General Staff Duties (DGSD), Gen. Staff Branch, Integrated H. Qr. Ministry of Defence (Army), DHQ, South Block, New Delhi-110011.
3. G.O.C.-in-c Army Training Command, H. Ars. ARTRAC, Shimla.
4. Principal Controller of Defence Accounts, Western Command, Sector 9-C, Chandigarh.

....RESPONDENTS

(By Advocate: Shri Anshul Bansal)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

M.A. No. 063/00405/2018

For the reasons stated in the instant M.A., the same is allowed. The applicants are permitted to join in one petition.

2. By means of present Original Application (O.A.), the applicants have assailed order dated 20.12.2017 (Annexure A-5), whereby their claim for counting of service on account of period served as LDC in lieu of combatant for the purpose of grant of 2nd MACP Scheme i.e. w.e.f. 26.4.2015 qua applicant no. 1, w.e.f. 27.4.2015 qua applicant no.2 and w.e.f. 26.5.2015 qua applicant no. 3 have been rejected.

3. Learned counsel appearing on behalf of applicants vehemently argued that the respondents have not extended the benefits granted to the present applicants and while rejecting their claim, the respondents have not considered the ratio laid down in O.A. No. 3409/2011 – **All India Defence Civilian Clerks Association of AOC and Records office through its General Secretary Shri K.C. Moudgil & Another Vs. UOI & Ors.** decided on 01.02.2012 by the Principal Bench of the Tribunal where the similarly situated persons were held entitled of counting of service rendered as LDC in lieu of combatant for the purpose of grant of MACP. He submitted that their claim has been rejected only on the ground that they were not party in the proceedings in the said O.A. Therefore, he submitted that the impugned order be quashed and set aside, matter be remanded back to give a fresh look in the matter after considering the ratio laid down on the relied upon judgment. If the applicants are held to be similarly situated as the applicants in the O.A. aforesaid, then they be also granted the same benefit. He also submitted that the respondents have already implemented the order passed in the above noted case.

4. Issue notice to respondents. At this stage, Mr. Anshul Bansal, Advocate, who has advance copy of the O.A., accepts notice on their behalf. He did not dispute the fact. However, he submits that the respondents be granted at least two months time to look in to the matter in the light of ratio laid down in the above noted case.

5. Considering the above, we dispose of this O.A. in limine by quashing the impugned order and the matter is remitted back to the respondents to reconsider the claim of the applicants in the light of ratio laid down in the case of All India Defence Civilian Clerks Association of AOC and Records office through General Secretary Shri K.C. Moudgil (supra) and if the applicants are held to be similarly situated then the similar benefit be extended to them otherwise reasoned and speaking order be passed and the same be conveyed to them. Let above exercise be completed within two months from the date of receipt of certified copy of this order. Disposal of this O.A. may not be construed as merit of the O.A.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 15.03.2018

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