

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

**ORIGINAL APPLICATION NO.060/00396/2018 &
MA NO.060/00534/2018**

Chandigarh, this the 5th day of April, 2018

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**CORAM: HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J)
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

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1. Vipan Kumar S/o Sh. Niamat, aged 40 years, r/o House No.31/32, Nehru Colony, Majitha Road, Amritsar.
2. Raj Kumar S/o Dula Ram, # 24/112, Kat Atma Singh, Gali No.4, Hussain Pura, Amritsar.
3. Ram Narain S/o Bansi Lal, House No.81/2, Gulaht Road, Amritsar Cantt.
4. Gurmail Singh S/o Tarsem Singh, Baba Dasha Singh Colony, Ram Tirth Road, Amritsar.
5. Jagdish S/o Harnam Dass, Backside Kundan Dhaba, Albert Road, Amritsar.
6. Sohan Lal S/o late Sh. Lachhman Dass, r/o Near Medicine Factory, Chhehaarath, Amritsar.
7. Sushil Kumar S/o Chander Pal, r/o 1-3/62, Back Side PHC SantNagar Verka, Amritsar.

All the applicants presently working as conservancy Safaiwala under respondent no.6 (Group-C).

....APPLICANTS

(Present: Mr. Jagdeep Jaswal, Advocate.)

VERSUS

1. Union of India through the Secretary, Government of India, Ministry of Defence, South Block, New Delhi.
2. Comptroller General of Defence Accounts, West Block-V, R.K. Puram, New Delhi-110066.
3. Principal Controller of Defence Accounts (Western Command), Pay-II Tech. Section, Sector 9-C, Chandigarh (U.T.).
4. Controller of Defence Accounts (Western Command), Pay-II Tech. Section, Sector 9-C, Chandigarh (U.T.).

5. Area Accounts Officer (Pay), (Western Command), Jalandhar Cantt.
6. Admn. Commandant, Station HQ, PIN 902257 (Army), Amritsar Cantt 143001.

....RESPONDENTS

ORDER (Oral)

HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J):-

MA No.060/00534/2018

Heard.

Taking into consideration, the common cause of action, similar nature of relief claimed, common interest in the matter, and for the reasons mentioned therein, the Miscellaneous Application (MA) is allowed. The applicants are permitted to join together to file the instant single application, as prayed for.

OA No.060/00396/2018

The main contention of learned counsel, at this stage, is that, although the applicants have issued legal notice dated 22.10.2017 (Annexure A-2), for redressal of their grievances, but the same has not yet been decided by the Competent Authority. The argument, is that, the alleged reply dated 25.11.2017 (Annexure A-6) cannot legally termed to be a decision on legal notice dated 22.10.2017 (Annexure A-2). In view of the ratio of law laid down by Hon'ble Punjab and Haryana High Court in CWP No.337 of 2017 titled as ***Sahib Singh versus Government of India and others***, decided on 03.02.2017.

Having heard the learned counsel for the applicants, having gone through the record with his valuable assistance, after considering the entire matter and without expressing any opinion

on merits, lest it may prejudice the case of either side, during the course of further consideration, the main instant Original Application is disposed of with the direction to Admn. Commandant, Station HQ, (respondent no.6) to decide the prayer of the applicants contained in the indicated legal notice, in the light of Government's instructions / office memorandum dated 19.03.2012, 03.01.2013 (Annexure A-3 colly) and order dated 24.10.2017 (Annexure A-4), by passing a speaking & reasoned order and in accordance with law, within a period of two months from the date of receipt of a certified copy of this order.

