

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

**ORIGINAL APPLICATION No.061/00438/2018 &
MA No.061/00579/2018**

Chandigarh, this the 17th day of April, 2018

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

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1. MES No.504787 Sh. Bishnu Lal S/o Sh. Shallo Ram, aged 57 years, FGM MCM, GE (N) Akhnoor, & R/o Village Simbalwala, PO Shama Chak, Teh. Balwal, Distt. Jammu (Group-C).
2. MES No.507123 Sh. Shamsher Chand S/o Thoru Ram, aged 59 years, FGM MCM GE(S) Akhnoor, Village Pulchandian, PO & Teh. Akhnoor, Distt. Jammu.

....APPLICANTS

(Present: Mr. Jagdeep Jaswal, Advocate.)

VERSUS

1. Union of India, through Secretary, Ministry of Defence, South Block, Central Secretariat, New Delhi 110011.
2. Engineer-in-Chief, Army Headquarters, Integrated HQ of MoD (Army), Kashmir House, Rajaji Marg, DHQ PO, New Delhi-110001.
3. The Commander Works Engineer, Headquarters, 135 Works Engineers, Akhnoor-181201.

....RESPONDENTS

ORDER (Oral)

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

MA No.061/00579/2018

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.061/00438/2018

The main contention of learned counsel, at this stage, is that, although the applicants have issued legal notice dated 15.01.2018 (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 28.02.2018 (Annexure A-3) cannot legally termed to be a decision on legal notice dated 15.01.2018 (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 of the matter, the main instant Original Application is disposed of with the direction to the Competent Authority amongst the respondents to decide the prayer of the applicants contained in the indicated legal notice, 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.

**(JUSTICE M.S. SULLAR)
MEMBER (J)**

Dated: 17.04.2018.

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