

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

OA No.060/00464/2017

Chandigarh, this the 6th day of October, 2018

...

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

...

Meet Singh, CDI [Civil Defence Instructor] [Retired],
House No.30, Tribune Society,
Raipur Khurd, U.T., Chandigarh-160003,
(age 65 years, Group-B).

....APPLICANT

(Present: Mr. J.R. Syal, Advocate)

VERSUS

1. Union of India through Secretary,
Ministry of Home Affairs, North Block,
New Delhi-110001.
2. Union Territory,
Chandigarh through Advisor to the Administrator,
U.T. Chandigarh, Deluxe Building,
Sector 9, Chandigarh.
3. Deputy Commissioner-cum-Controller,
Civil Defence, Union Territory,
Chandigarh.
4. The Accountant General,
A&E, Chandigarh.

....RESPONDENTS

**(Present: Mr. Aseem Rai, counsel for respondents no.2 & 3.
None for remaining respondents.)**

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J):-

1. The applicant assails the order dated 05.12.2014 (Annexure A-12), whereby the respondents, while replying to a legal notice, have rejected his claim for grant of pension and other related benefits on the plea that against his acquittal, a criminal appeal is pending before the Hon'ble Jurisdictional High Court.
2. After completion of pleadings, the case came up for hearing today.
3. We have heard learned counsels for the parties.
4. Mr. Aseem Rai, learned counsel for respondents no.2 & 3 has raised a fundamental plea that this petition is not maintainable in its present forum, as the applicant is impugning the reply to legal notice, without there being any challenge to a final order in this petition before this court, under Section 19 of the Administrative Tribunals Act, 1985. Thus, this petition has deserves to be dismissed on this account alone. However, he very fairly submitted that the pending Criminal Misc. A-883-MA of 2014 titled as **Union Territory of Chandigarh versus Gurmukh Singh and others**, has been dismissed by Hon'ble High Court of Punjab & Haryana, on 16.11.2017. Therefore, let the respondents be given a chance to reconsider the grant of benefits to the applicant, in accordance with law.
5. Mr. J.R. Syal, learned counsel for the applicant also endorsed the viewpoint raised by learned counsel for the Chandigarh Administration.

6. In the wake of above noted facts, we are also of the opinion that the Chandigarh Administration may reconsider the claim of the applicant in view of changed scenario. In the light of the above noted facts, and that acquittal of the applicant has been upheld by the Hon'ble High Court, the respondents are directed to reconsider the claim of the applicant, within a period of 30 days, from the date of receipt of a certified copy of this order, in accordance with law and rules. If the applicant is found entitled to then he be granted the due benefits else a speaking order be passed and conveyed to him.
7. The instant Original Application is disposed of in the above terms. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 06.10.2018.

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