

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

**O.A. No.63/763/2017 &  
O.A. No.60/1347/2017  
M.A. No.60/1706/2017  
M.A. No.60/1705/2017  
M.A. No.60/1558/2018**

**Date of decision: 29.10.2018**

...  
**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).  
HON'BLE MRS. P. GOPINATH, MEMBER (A).**  
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**O.A. No.63/763/2017**

1. Raghbir Singh Pathania, age 61 years, S/o Late Sh. Kirpa Ram, retired UDC, Army No.8886453, R/o Village Manodu, P.O. Bhaduar, Tehsil Nurpur, District Kangra (Group-C).
2. Smt. Kamla Devi Rajput, age 60 years, W/o Chaman Lal Thakur, Retired UDC, Army No.5043169-X, resident of Village & Post Office Baghdhar, Tehsil Dalhousie District Chamba (HP) (Group-C).
3. Ms. Trimla Devi, age 53 years, W/o Sh. Ajay Thakur, UDC, Army No.6966272-F, Office of Commanding Officer, 5121 ASC Bn (MT)-905121, C/o 56 APO (Group-C).
4. Ms. Nita Kumari, age 51 years, W/o Mukesh Chand Rana, UDC, Army No.9510389-H, Office of Commanding Officer, 5121 ASC Bn (MT)-905121, C/o 56 APO (Group-C).
5. Ms. Asha Thapa, age 46 years, W/o Lalit Kumar Thapa, LDC, Army No.95461442-L, Office of Commanding Officer, 5121 ASC Bn (MT)-905121, C/o 56 APO (Group-C).
6. Verinder Singh, age 52 years, S/o Sh. Jagdev Singh, UDC, Army No.6406767-F, Office of Commanding Officer, 5121 ASC Bn (MT)-905121, C/o 56 APO (Group-C).

**... APPLICANTS**

**VERSUS**

1. Union of India through its Secretary, Ministry of Defence, South Block, New Delhi-110011.
2. The Directorate General of Supplier & Transport, Quarter Master General's Branch, Integrated HQS of Ministry of Defence (Army), DHQ PO New Delhi-110105.
3. Officer-in-Charge, Office of Records (South), Bangalore Pin-900493, C/o 56 APO.
4. Commanding Officer, 5121 ASC Bn (MT) PIN 905121, C/o 56 APO.
5. Secretary, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, North Block, New Delhi-110001.

**... RESPONDENTS**

**PRESENT:** Sh. Barjesh Mittal, counsel for the applicants.  
Sh. Sanjay Goyal, counsel for the respondents.

**O.A. No.60/1347/2017**

1. Om Chand Sharma (No.3410982F) aged 50 years, son of Late Shri Durga Dass, UDC, B Coy 5682 Army Service Corps. Battalion (Motor Transport), C/o 56 APO R/o H. No.441/C, Sector C, Chandimandir, Panchkula.
2. Darshan Lal Panghotra (No.6406500), working as UDC, B Coy 5682, Army Service Corps. Battalion (Motor Transport), C/o 56 APO R/o H. No.441/C, Sector C, Chandimandir, Panchkula.
3. Mrs. Sharlima Kiran (No.6966170), working as UDC, C Coy 5682, Army Service Corps. Battalion (Motor Transport), C/o 56 APO R/o H. No.441/C, Sector C, Chandimandir, Panchkula.
4. Devi Singh Rathore (No.6404054), Officer Superintendent, 762 Tpt Coy ASC (Civ GT) C/o 56 APO (Bathinda).
5. Mohinder Singh (No.7856271M), working as UDC, 761 (1) Tpt. PI ASC (Civ GT) C/o 56 APO, Bathinda.

**VERSUS**

**APPLICANTS**

1. Union of India through its Secretary, Ministry of Defence, South Block, New Delhi-110011.
2. The Directorate General of Supplier & Transport, Quarter Master General's Branch, Integrated HQS of Ministry of Defence (Army), DHQ PO New Delhi-110105.
3. The Adjutant General Integrated HQS of Ministry of Defence (Army), DHQ PO, New Delhi-110105.
4. Officer-in-Charge, Office of Records (South), Bangalore Pin-900493, C/o 56 APO.
5. Commanding Officer, 5121 ASC Bn (MT) PIN 905121, C/o 56 APO.
6. Officer Commanding, 762 Tpt Coy ASC (MT) PIN: 905121 C/o 56 APO.
7. Officer Commanding, 761 (1) Tpt ASC (Civ GT), C/o 56 APO.
8. Secretary, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, North Block, New Delhi-110001.

**... RESPONDENTS**

**PRESENT:** Sh. Suresh Verma, counsel for the applicants.  
Sh. Vinod K. Arya, counsel for the respondents.

**ORDER (Oral)**

**SANJEEV KAUSHIK, MEMBER (J):-**

1. M.A. No.60/1706/2017 has been filed in O.A. No.60/1347/2017 seeking condonation of 122 days in filing the O.A.
2. Heard learned counsel for the parties in M.A. For the reasons stated therein, the M.A. is allowed and disposed of, accordingly.
3. This order shall dispose of the above captioned two Original applications since prayer made therein is identical as the applicants are seeking benefit arising out of order dated 09.02.2016 passed by the Guwahati Bench of this Tribunal in O.A. No.040/00029/2016 titled **Sanjeev Kumar Poon & Ors. vs. UOI & Ors.** and likewise is also requested by learned counsel for the parties. However, for convenience facts are taken from the case of Raghbir Singh Pathania & Ors. vs. UOI & Ors.
4. The applicants assail order dated 08.07.2016 whereby their request for counting service rendered as Clerks in lieu of Combatant for the purpose of grant of benefits under ACP/MACP Scheme, has been declined by the respondents.
5. Learned counsel appearing on behalf of the applicants submitted that based upon judicial pronouncement by Guwahati Bench of the Tribunal in the case of Sanjeev Kumar & Ors. (supra), where similarly situated persons like the applicants have been granted the benefits which they are asking through this O.A., the applicants submitted representation but the same has been turned down by the impugned order. He also submitted that order in the case of Sanjeev Kumar & Ors. (supra) has also been implemented qua applicants therein but

the same has been denied to applicants, thus, they have alleged discrimination and violation of Articles 14/16 of Constitution of India. However, learned counsel submitted that applicants will be satisfied if at this stage matter is remitted back to the respondents to re-look into the matter in view of the fact that similarly placed persons have been extended benefit while implementing the order of Guwahati Bench. He also submitted that apart from this Govt. of India, Ministry of Defence has issued letter dated 01.10.2018 on the subject of *"Grant of Financial Upgradation Under ACP/MACP Scheme to Defence Civilian Employees of Record Offices With Effect From the Date of Appointment by Counting the Prior Service Rendered By them As 'In Lieu of Combatants'"*. He, therefore, submitted that once a view has been taken by Govt. of India and benefit has been extended to similarly placed persons then the same cannot be denied to the applicants.

6. Counsel for the respondents submitted that respondents may be granted two months' time to relook into the matter and if applicants are found to be similarly situated like the persons, in whose favour benefit has been extended by counting prior service rendered by them, then the same will be extended to them otherwise a reasoned and speaking order will be communicated to them.
7. In the wake of the above, we are left with no option but to quash the impugned order and remit the matter back to respondents to relook into the entire matter in the light of what has been observed above, including that they cannot be denied the benefit only on the ground that they were not a party to the indicated decision as such a stand is opposed to law. If applicants are held to be similarly placed persons

like the applicants in the case of Sanjeev Kumar & Ors. (supra), then benefit be extended to them, otherwise a reasoned and speaking order be passed, which be duly communicated to them.

8. The O.A. along with pending MAs stands disposed of in the above terms. Parties are left to bear their own costs.

**(P. GOPINATH)**  
**MEMBER (A)**

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

Date: 29.10.2018.  
Place: Chandigarh.

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