

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

**ORIGINAL APPLICATION NO.60/1316/2018 &
MA No.60/1694/2018**

Chandigarh, this the 6th day of December, 2018

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CORAM: HON'BLE MRS. AJANTA DAYALAN, MEMBER (A)

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1. Charan Dass, Aged about 71 years, S/o Late Budha Singh R/o H.No.1147 Bargo Nagar Jalandhar Joined on 20.12.1968 and retired on 30.12.2006 from 23 FAD with pay of Rs 2400 (Ticket No.684) Pin No-90973.
2. Harbans lal, Aged about 71 years, S/o Late Hazara Ram R/o H.No.1407 Moti Kanya Wala Urban Estate Phase-1 Jalandhar joined on 20.12.1968 and retired on 30.01.2006 from 23 FAD with pay of Rs 2400 (Ticket No.685) Pin No-90973.
3. Gardare lal, Aged about 70 years, S/o Late Mangal Dass R/o Kela Mohalla Basti Khel Jalandhar joined on 03.04.1959 from 23 FAD and retired on 30.04.2007 with pay of Rs 2400 (Ticket No.708) Pin No-90973.
4. Nirmal Singh, Aged about 70 years, S/o Late Hakam Singh R/o V.P.O Gakala District Jalandhar joined on 03.04.1969 from 23 FAD and retired on 30.04.2007 with pay of Rs 2400 (Ticket No.709) Pin No-90973.
5. Sadhu Singh, Aged about 70 years, S/o Late Rajmal Singh R/o V.P.O Lidhran District Jalandhar joined on 02.01.1971 from 23 FAD c/o 56 APO and retired on 30.04.2006 with pay of Rs 2400 (Ticket No.752) Pin No-90973.
6. Balhar Singh, Aged about 70 years, S/o Babu Singh R/o V.P.O Nussi District Jalandhar joined on 02.01.1971 from 23 FAD c/o 56 APO and retired on 31.12.2006 with pay of Rs 2400 (Ticket No.756) Pin No-90973.

7. Noor Masih, Aged about 70 years, S/o Late Nandlal R/o V.P.O Nandanpur Jalandhar joined on 02.01.1971 from 23 FAD retired on 31.12.2007 with pay of Rs 2400 (Ticket No.769) Pin No-90973.
8. Tarsem Singh, Aged about 70 years, S/o Late Jagat Ram R/o V.P.O Nagra District Jalandhar joined on 17.04.1972 from 23 FAD c/o 56 APO and retired on 30.04.2007 with pay of Rs 2400 (Ticket No.785) Pin No-90973.
9. Rattan Lal, Aged about 70 years, S/o Late Ishar Dass R/o Gandhi Camp Jalandhar joined on 17.04.1972 from 23 FAD c/o 56 APO retired on 30.04.2007 with pay of Rs 2400 (Ticket No.794) Pin No-90973.
10. Iqbal Masih, Aged about 70 years, S/o Late Manga Ram R/o V.P.O Sariya Khas joined on 14.04.1972 from 23 FAD c/o 56 APO retired on 30.04.2007 with pay of Rs 2400 (Ticket No.804) Pin No-90973.
11. Subhash Chander, Aged about 70 years, S/o Banarsi Lal R/o H.No.63 Janta Colony Jalandhar joined on 17.04.1972 from 23 FAD c/o 56 APO and retired on 30.04.2008 with pay of Rs 2400 (Ticket No.809) Pin No-90973.
12. Joginder Singh, Aged about 70 years, S/o Late Karam Singh R/o V.P.O Saffipur, Gakala District Jalandhar joined on 17.04.1972 from 23 FAD c/o 56 APO and retired on 30.04.2008 with pay of Rs 2400 (Ticket No.819) Pin No-90973.
13. Mohan Lal, Aged about 70 years, S/o Late Khema R/o V.P.O Nussi District Jalandhar Joined on 20.04.1972 from 23 FAD c/o 56 APO and retired on 30.04.2008 with pay of Rs 2400 (Ticket No.842) Pin No-90973.
14. Late Nirmal Dass through his wife Harbans Kaur, Aged about 62 years R/o Village Subhana P.O Mithapur District Jalandhar joined on 20.04.1972 from 23 FAD c/o 56 APO and retired on 30.04.2008 with pay of Rs 2400(Ticket No.848) Pin No-90973.

15. Paramjit Singh, Aged about 70 years, S/o Late Mangal Singh R/o H.No.411 Guru Ram Dass Enclave, Basti Peer Dad, P.O Basti Bawa Khel District Jalandhar joined on 20.04.1972 from 23 FAD c/o 56 APO and retired on 30.04.2008 with pay of Rs 2400(Ticket No.855) Pin No-90973.
16. Mohan Lal, Aged about 70 years, S/o Late Jawala Ram R/o H.No.BI/232, Ravi Dass Nagar, P.O New Grain Market District Jalandhar joined on 21.04.1972 from 23 FAD c/o 56 APO and retired on 30.04.2008 with pay of Rs 2400(Ticket No.856) Pin No-90973.
17. Piara, Aged about 70 years, S/o Gurbachan Chand R/o Village Bambianwal, P.O Village Kukar District Jalandhar joined on 21.04.1972 from 23 FAD c/o 56 APO and retired on 30.04.2008 with pay of Rs 2400(Ticket No.862) Pin No-90973.
18. Gurmej Ram, Aged about 70 years, S/o Late Nanak Chand R/o Village Wariana, P.O Nagra District Jalandhar joined on 20.04.1972 from 23 FAD c/o 56 APO and retired on 30.04.2007 with pay of Rs 2400(Ticket No.969) Pin No-90973.
19. Surjit Singh, Aged about 70 years, S/o Sadhu Singh R/o V.P.O Dayalpur District Jalandhar joined on 22.04.1972 from 23 FAD c/o 56 APO and retired on 30.04.2007 with pay of Rs 2400(Ticket No.1003) Pin No-90973.
20. Mohinder Singh, Aged about 70 years, S/o Late Mehnga Singh R/o Datu Nagal Kartarpur District Jalandhar joined on 22.04.1972 from 23 FAD c/o 56 APO and retired on 30.04.2007 with pay of Rs 2400(Ticket No.1037) Pin No-90973.
21. Krishan Lal, Aged about 70 years, S/o Late Ghan Chand R/o H.No.155/302, Bargo Nagar, Jalandhar joined on 10.11.1984 from 23 FAD c/o 56 APO on duty with pay of Rs 2400(Ticket No.1195) Pin No-90973.
22. Yash Paul, Aged about 70 years, S/o Late Jalal Masih R/o 127 Lidhran Colony District Jalandhar joined on 17.04.1972 from 23

FAD c/o 56 APO and retired on 30.04.2007 with pay of Rs 2400(Ticket No.813) Pin No-90973.

23. Dalip Singh, Aged about 70 years, S/o Sardara Singh R/o VPO District Jalandhar VPO Bayas District Amritsar joined on 01.09.1965 from 23 FAD c/o 56 APO and retired on 31.08.2006 (Ticket No.2106) Pin No-90973.

(All belong to Group-C employees).

... APPLICANTS

(Present: Mr. I.P.S. Mangat, Advocate proxy for Ms. Jatinder Jit Kaur, Advocate)

VERSUS

1. Union of India through the Secretary to Govt. of India, Ministry of Defence, Room No.234, South Block, (Department Production) Branch (Ord) Pin-908546, New Delhi.
2. Secretary to Govt. of India, Ministry of Personnel, Public Grievances and Pension Department of Personnel and Training, North Block, New Delhi. Pin-110001.
3. Ordinance Factory Board Through its Secretary, Ayudh Bhawan, 10-A, S.K Bose Road, Kolkata-700001.
4. Officer in Charge, AOC Records, Neredmet, Secunderabad, Telangana 500015.
5. Commanding Officer, 23 Field Ammunition Depot, C/O 56 APO, Suranussi, Jalandhar, 90973.

... RESPONDENTS

ORDER (Oral)

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AJANTA DAYALAN, MEMBER (A):-

MA No.60/1694/2018

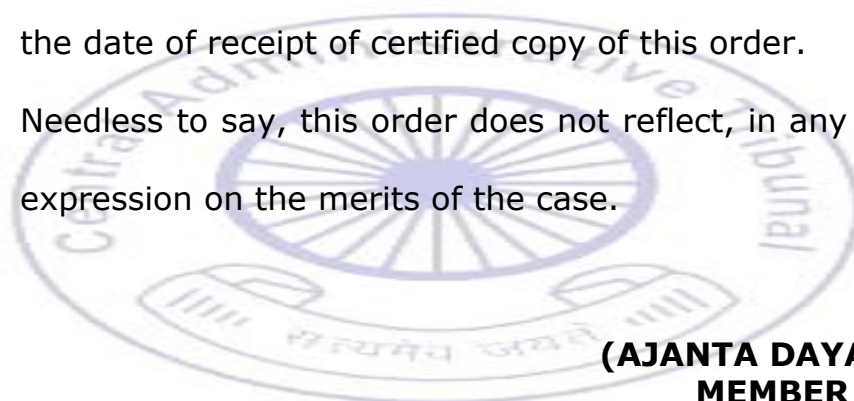
1. Heard.
2. The present Miscellaneous Application has been filed under Rule 4 (5) (a) of the C.A.T. (Procedure) Rules, 1987, seeking permission to allow the applicants to file a joint petition. For the reasons stated therein, the same is allowed, permitting the applicants to file a joint OA.

OA No.60/1316/2018

1. Heard. The learned counsel for the applicants submitted that all the applicants are retired employees, who have been denied the benefit of 3rd financial upgradation under MACP Scheme, which was effective from 01.09.2008, even though there is a specific clarification to this effect by Ministry of Defence, vide order dated 27.03.2014 (Annexure A-2). The learned counsel for the applicants further submitted that all the applicants are fully covered under the clarification given in Annexure A-2. However, in response to their legal notice dated 01.05.2018, a reply has been given vide letter dated nil (Annexure A-6), wherein it has been stated that the matter is lying pending with Ministry of Defence for clarification inspite of reminder from Pr. CDA Western Command Chandigarh.
2. The learned counsel for the applicants submitted that the applicants will be satisfied if the directions are issued to the

respondents to finally decide the matter in a time bound manner.

3. Issue notice to the respondents.
4. At this stage, Mr. Sanjay Goyal, Senior Central Government Standing Counsel, appears and accepts notice on behalf of the respondents, and does not object to the prayer of the applicants in the requested manner. Therefore, with the consent of both the counsels for the parties, OA is disposed of in limine with a direction to the competent authority to take a view on the legal notice, within a period of two months, from the date of receipt of certified copy of this order.
5. Needless to say, this order does not reflect, in any manner, an expression on the merits of the case.



(AJANTA DAYALAN)
MEMBER (A)

Date: 06.12.2018.

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