

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...  
**ORIGINAL APPLICATION NO.060/00337/2019**  
**Chandigarh, this the 4<sup>th</sup> day of April, 2019**

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

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MES No. 102168, Nathenial Masih (FGM Retd) s/o Rulia Ram, aged 67 years, r/o VPO, Chomon, Bhagat Singh colony, Adampur, Jalandhar (Punjab) – 144103.

**....Applicant**

**(Present: Mr. D.R. Sharma, Advocate for Mr. K.B. Sharma, Advocate)**

**Versus**

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi – 110001.
2. Engineer in Chief, Military Engineer Services, Engineer-in-Chief's Branch, Integrated Hqrs of MoD (Army), Kashmir House, DHQ, PO New Delhi- 110001.
3. The Chief Engineer, MES, HQ, Western Command, Chandimandir (PB) – 134107.
4. Headquarters, Commander Works Engineer, Jalandhar Cantt – 144001.
5. Garrison Engineer (AF), Adampur, Military Engineer Service, Pin-900131.

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**Respondents**

**(Present: Mr. Sanjay Goyal, Advocate)**

**ORDER (Oral)**

**SANJEEV KAUSHIK, MEMBER (J)**

1. The present O.A. has been filed by the applicant seeking issuance of a direction to the respondents to grant him the benefit of one increment, arising out of judgment passed by the Hon'ble High Court in the case of **P. Ayyamperumal Vs. The Registrar, CAT & Others** (W.P. No. 15732/2017) decided on 15.09.2017 (Annexure A-3), as affirmed by the Hon'ble Apex Court vide order dated 23.07.2018 in SLP NO. 22283/2018 (Annexure A-4).

2. Heard.

3. Learned counsel submitted that there being judicial pronouncements on the issue, the respondents, without considering the law laid down in the case of P. Ayyaperumal (supra), have rejected the claim of the applicant vide order 11.02.2019 (Annexure A-1). Learned counsel further submitted that similar issue in O.A. NO. 060/00107/2019 titled **Inder Singh Vs. Union of India & Others** has been decided by this Court vide order dated 05.02.2019 (Annexure A-6) whereby the impugned order therein has been set aside and the respondents were directed to re-consider the matter in the light of the relied upon judgment. Learned counsel prayed that similar order be passed in this case.

4. Issue notice to the respondents.

5. At this stage, Mr. Sanjay Goyal, Sr. CGSC, appears and accepts notice on their behalf. He also consented that in similar matter impugned order has been quashed and the respondents were directed to re-consider the matter in the light of the relied upon judgment.

6. In the wake of above, we quash the impugned order 11.02.2019 (Annexure A-1), and the respondents are directed to re-consider the claim of the applicant in the light of judicial pronouncement relied upon by him. If the applicant is found similarly situated like the applicants in the relied upon cases, the relevant benefits be granted to him, otherwise a reasoned and speaking order be passed and a copy thereof be duly communicated to him.

7. Needless to mention that nothing observed hereinabove shall be construed as an expression of any opinion on the merits of the case. No costs.

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

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**  
**Dated: 04.04.2019**

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