

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

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ORIGINAL APPLICATION NO.060/00126/2019

Chandigarh, this the 8th day of February, 2019

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

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1. Rakesh Kumar s/o Sh. R.S. Panwar aged about 43 years, R/o 341, Sector 30-A, Chandigarh – 160020.
2. Sunil Kumar Yadav s/o Sh. L.R. Yadav, aged about 47 years, R/o Flat No. 504, Block – C, Jalandhar Heights, Jalandhar – 144001.
3. Amit Singla s/o Sh. Ram Dass aged about 39 years, R/o 614/17, Panchkula – 134109.
4. Sudarshan Kumar S/o Sh. Basuki Singh aged about 45 years, Regional Commissioner-I, Bhavishya Nidhi Bhawan, Block No. 34, SDA Complex, Kaumpti, Shimla – 171009.
5. Vishwajeet Sagar, S/o Sh. S.L. Sagar, aged about 43 years, R/o 344, Sector 30 A, Chandigarh – 160020.
6. Dheeraj Gupta s/o Rajendra Prasad Gupta, aged about 44 years, R/o 1031, Sector 21-B, Chandigarh – 160020.

Applicants

(Present: Mr. Kamal Sehgal, Advocate)

Versus

1. Union of India through the Secretary, Ministry of Labour, Government of India, Shram Shakti Bhawan, Rafi Marg, New Delhi -110011.
2. Central Provident Fund Commissioner, Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Palace, New Delhi-1100066
3. Central Board of Trustee, through its Chairman, Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Palace, New Delhi – 110066.

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Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)
SANJEEV KAUSHIK, MEMBER (J)

1. MA No. 060/00259/2019 is allowed and the applicants are allowed to join together to file this application.

2. The present O.A. has been filed by the applicants, who are Grade-I officers, working in the Employee Provident Fund Organization, seeking issuance of a direction to Respondents No. 2 and 3 to grant them the Non Functional Selection Grade (for brevity NFSG) in the scale of Rs.37400-67000 with grade pay of Rs.8700/-, after implementation of 6th CPC recommendations, from the date of their eligibility, with all the consequential benefits. It is further prayed that the respondents be directed to implement the order dated 30.01.2006 (Annexure A-6) whereby approval was granted for the grant of NFSG in the Commissioner's Cadre of Employees Provident Fund Organization.

2. Learned counsel submitted that his claim is based upon the order passed in the case of **A.K. Chandok Vs. Union of India & Others** (O.A. No. 400/HR/2010 decided on 25.02.2011), as upheld by the Jurisdictional High Court by dismissing the CWP NO.8438 of 2011 on 12.05.2011, filed by the respondents. He submitted that before approaching this Court, the applicants

served representations dated 20.12.2017 and 23.12.2017 (Annexure A-12 colly) for grant of relevant benefits on the basis of judicial pronouncements in their favour, and the respondents have issued a letter dated 18.06.2018 stating therein that the matter is under active consideration. The contention of the learned counsel is that despite the judicial pronouncement in favour of the applicants, the respondents cannot possibly deny the benefit of the judgment to the applicants, who are similarly situated to the applicant in the case of A.K. Chandok (supra). Learned counsel prayed that since the representations filed by the applicants are pending consideration at the hands of the respondents and have not been answered till date, the applicants would be satisfied if a direction is issued to the respondents to consider and decide the claim of the applicants in the light of order passed by this Court in the case of A.K. Chandok (supra).

3. Issue notice to the respondents.
4. At this stage, Mr. Sanjay Goyal, Sr. SCCG, appeared and accepted notice on their behalf. He did not object to the disposal of the O.A. in the above manner.
5. In the wake of above, the O.A. is disposed of, in limine, with a direction to the respondents to consider and decide the

indicated representations of the applicants while taking into consideration the ratio laid down in the case of A.K. Chandok (supra), which has been affirmed by the Jurisdictional High Court also. The needful be done within a period of two months. If upon such consideration, the applicants are found similarly situated like the applicant in the relied upon case, the relevant benefits be granted to them, otherwise a reasoned and speaking order be passed thereon, with a copy to the applicants.

6. Needless to mention that the disposal of the O.A. shall not 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: 08.02 .2019

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