

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH  
AT CIRCUIT SITTING SHIMLA**

...  
**ORIGINAL APPLICATION NO.063/00005/2016**

**Chandigarh, this the 14<sup>th</sup> day of December, 2018**

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

...

Ved Parkash s/o Sh. Raghu Nath, age 61 years, resident of VOP  
Rajhoon, District Kangara (H.P.)

**....Applicant**

**(Present: Mr. Pawan Kumar, Advocate for Mr. D.R. Sharma,  
advocate)**

**Versus**

1. Union of India through Secretary, Ministry of Information Technology, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief post Master General, HP Circle, Shimla (HP).
3. The Sr. Superintendent of Post Offices, Dharamshala Division, Dharamshala.

**..... Respondents**

**(Present: Mr. V.K. Arya, Advocate)**

**ORDER (Oral)  
SANJEEV KAUSHIK, MEMBER (J)**

**MA NO. 063/01920/2018**

1. The present M.A. has been filed for listing the O.A. which was adjourned sine die to await the decision of the Writ Petition, involving the identical issue, titled as **Union of India and Others Vs. Painu Ram,** pending consideration before the Jurisdictional High Court.
2. Learned counsel has submitted that since the aforementioned Writ Petition has been dismissed vide order dated 23.07.2018 (Annexure MA-1), the present O.A. be taken up for hearing.
3. Notice.
4. Mr. V.K. Arya, learned counsel for the opposite side accepts notice. He does not object to the allowance of the MA.

5. MA is allowed. The copy of judgment rendered in the Writ Petition (Annexure MA-1) is taken on record. The O.A. is taken up for hearing today itself.

**O.A.**

1. Heard.

2. The applicant has impugned the order dated 18.11.2015 (Annexure A-1) passed by the respondents rejecting his claim for the benefit arising out of decision dated 28.07.2009 rendered by the Allahabad bench of the Tribunal in O.A. No. 1626/2005 and the order dated 31.01.2014 passed in the case of **Painu Ram Vs. U.O.I. & Others** (O.A. NO. 426/HP/2014).

3. On 21.10.2016, learned counsel for the respondents apprised this Court that since the judgment, as relied upon by the applicant in the case of Painu Ram Vs. U.O.I. & Others, decided on 31.01.2014 has already been stayed by the Hon'ble Himachal Pradesh High Court, therefore, the benefit cannot be granted to the applicant. Subsequently, the O.A. was adjourned sine die to await the decision of the Writ Petition filed before the Hon'ble High Court.

4. Considering that the Writ Petition in question has been dismissed by the Hon'ble Himachal Pradesh High Court vide order dated 23.07.2018, we deem it appropriate to direct the respondents to consider the claim of the applicant in the light of the ratio laid down in the indicated case, and if the applicant is found similarly situated to the applicant therein, the similar benefit be extended to him.

5. The O.A. stands disposed of accordingly.

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

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

**Dated: 14.12.2018**

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