

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

**ORIGINAL APPLICATION NO. 063/1118/2018 &
M.A. NO. 63/1442/2018 & M.A. NO. 1443/2018**

Chandigarh, this the 25th day of January, 2019

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

...

1. Bhajan Singh aged 64 years son of Baba Singh resident of Dhangu Majra Road, Tehsil Indora, District Kangra (H.P.) PINCODE 176401 (Group-C).
2. Charan Singh aged 64 years son of Wasawa Singh, resident of Nathu Nagar, Gali No. 3, Post Office and Tehsil and District Pathankot PINCOME 145001 (Group-C).

....APPLICANTS

(By Advocate: Shri Sanjeev Kumar proxy for Mr. Munish Puri)

VERSUS

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi PINCODE 110001.
2. The Garrison, Engineer (I) Air Force, Pathankot Pincode 145001.
3. The Assistant Garrison Engineer, Office of AGE E/M Air Force, Pathankot Pincode 145001.
4. The Unit Accountant, Garrison Engineer, (I) Air Force, Pathankot Pincode 145001.

....RESPONDENTS

(By Advocate: Shri Arvind Moudgil)

ORDER (oral)

SANJEEV KAUSHIK, MEMBER (J)

M.A. NO. 60/1442/2018 is allowed, as prayed for and the applicants are permitted to file joint Original Application (O.A).

2, The present O.A. has been filed by the applicants seeking issuance of a direction to the respondents to consider their claim for grant of night duty allowances. It is also borne out from the

pleadings that the applicants, before filing the instant O.A., have also approached the Competent Authority by filing representation at Annexure A-2, which has not been answered till date. Therefore, a prayer has been made in the O.A. to direct the respondents to take a final view on the same in accordance with law on the subject in a time bound manner.

3. Alongwith the O.A. the applicants have also filed M.A. No. 060/1441/2018 seeking condonation of delay of 550 days, in filing the O.A.

4. On notice, Mr. Arvind Moudgil, Advocate puts in appearance on behalf of respondents.

5. Today, learned counsel for the applicants submits that an identical O.A. No. 060/1110/2018- **Tarsem Lal & Ors. vs. Union of India & Ors.** has been disposed of by this Tribunal vide order dated 21.1.2019 with a direction to respondents to decide their pending representation in a time bound manner. He further submits that the applicants will be satisfied, if this O.A. is disposed of in the same terms.

6. Learned counsel for respondents has no objection for disposal of the O.A. in the requested manner, but he requests that liberty be granted to the respondents to raise plea of limitation while considering their representation for grant of desired relief.

7. Leaned counsel for the applicants submits that since the applicants are relying on the judgment of Hon'ble Supreme Court rendered in the case of **State of U.P. & Ors. vs. Arvind Kumar Srivastava & Ors.** in Civil Appeal No. 9849 of 2014(arising out of

SLP (c) No. 18639 of 2012) decided on 17.10.2014, the respondents possibly cannot take a plea that their claim is time barred.

8. Be that as it may be, considering the prayer made in the O.A. and the fact that respondents have not taken any decision on the claim of applicants, we dispose of this O.A. at this stage with a direction to the Competent Authority amongst the respondents to decide the above indicated representation Annexure A-2, in accordance with law, within a period of 2 months, from the date of receipt of a certified copy of this order. The disposal of the O.A., will not be construed as an expression of any opinion, on the merits of the case. Pending M.A. also stands disposed of as such.

(P.GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 25.01.2019

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