

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

(Circuit Bench : Shimla)

...

**ORIGINAL APPLICATION NO.063/01237/2018
&
MA No.063/01596/2018**

Shimla , this the 7th day of March, 2019

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

...

Lt. Col. Sansar Chand (Retd.) S/o Late Sh. Dina Nath, R/o Janedghat-Chail, Sub-Tehsil Junga, District Shimla (H.P.) 173217, retired as Lt. Col. from 1st Bihar Bn. NCC Patna, Bihar.

....APPLICANT

(Present: Mr.B. Nandan Vasishta, Advocate)

VERSUS

1. Union of India through Secretary, Ministry of Defence, Govt. of India South Block, New Delhi-110011.
2. The Director General, NCC Headquarters, Govt. of India, Ministry of Defence, West Block-IV, R K Puram, New Delhi-110066.
3. The Principal Controller of Defence Accounts (Pensions), Govt. of India, Ministry of Defence, Draupadi Ghat, Allahabad-211014.
4. United Commercial Bank, Sakori Chail, Distt. Shimla through its Branch Manager.

....RESPONDENTS

**(Present: Mr. Anshul Bansal, Advocate for respondents 1-3)
Mr. Sanjay Dalmia, Advocate for respondent no. 4**

ORDER (oral)

SANJEEV KAUSHIK, MEMBER (J)

The applicant by means of present Original Applicant seeking the following reliefs:

- “ I. To quash Annexure A-4 dated 27.1.2010 (Circular No. 144) issued by Respondent No. 3 who is having no authority under law to issue such a letter especially when the pay scales of WTO have not so far been decided by Respondent No. 1.
- II. To quash Annexure A-6 dated 13.1.2014 issued by Respondent No. 1 whereby the Category of Applicant was illegal, illogically, discriminately and arbitrarily placed in Pay Band-3 instead of Pay Band-4 whereas their

counterparts in the Army continued to be placed in Pay Band-4.

III. In view of relief at (I) and (II) above, to quash Annexure A-2 dated 24.8.2018 issued by Respondent No. 4 on the instructions of Respondent No. 3 for effecting recoveries.

IV. Hold and declare that the Applicant is entitled to the pension at par with his counterparts in the Armed Forces and Annexure A-5 dated 21.5.2009 is illegally and thoroughly applicable to the Applicant and further direct the Respondent No. 1 to place the Applicant in Pay Band-4 in accordance with Annexure A-5,

V. To direct the Respondents No. 1 to 4 to restore the pension of the Applicant by placing him in Pay Band-4.

VI. To direct the Respondent No. 3 and 4 to stop the illegal recoveries being effect from the pension of the Applicant w.e.f. August, 2018 (pension for July 2018) and further direct the Respondent No. 3 and 4 to refund the amount illegally recovered from the pension of the Applicant w.e.f. Aug., 2018 alongwith admissible rate of interest.”

2. We have heard Mr. Vasistha, the learned counsel for applicant as well as Mr. Anshul Bansal, learned counsel for respondents 1-3 and Mr. Sanjay Dalmia, learned counsel for respondent no. 4.

3. Mr. Vasistha, learned counsel for applicant argues that the controversy involved in this Original Application is squarely covered by a decision rendered by this Tribunal in O.A. No. 063/00130/2015 - **Lt. Col. P.C. Sood (Retd.) vs. Union of India & Ors.** decided on 3.7.2017 and also judgment of Hon'ble High Court of Punjab and Haryana in CWP No. 4575-2019 (O & M)- **Union of India and Ors. vs. Lt. Cdr. Dalip Singh and Others** dated 28.2.2019, upholding common order dated 17.1.2018 of this Tribunal. Learned counsel for applicant, therefore, urged that this O.A. may be disposed of in terms of decisions relied upon by him.

4. Learned counsel appearing on behalf of respondents are not in a position to cite any law contrary to what has been held by this Court in the case of Lt. Col. P.C. Sood (Retd.) (supra) and in the Judgment of Hon'ble Punjab and Haryana High Court in the case of Union of India and Ors. vs. Lt. Cdr. Dalip Singh and Ors. (supra).

5. After having heard the learned counsel for the parties, and having gone through the decisions relied upon by the learned counsel for the applicant, we find that the facts of the present case are squarely covered by the decision of this Tribunal in the case of Lt. Col. P.C. Sood (rettd.) (supra). Therefore, this O.A. is disposed of in terms of the decision rendered by this Tribunal in the case of Lt. Col. P.C. Sood (Retd.) (supra) and in the case of Lt. Cdr. Dalip Singh (supra) as the same view taken by this Tribunal has been upheld by the Hon'ble Punjab and Haryana High Court in that case.

6. Accordingly the O.A. stands disposed of with no order as to costs. Pending M.A. also stands disposed of.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 07.03.2019

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