

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00806/2019
Chandigarh, this the 31st day of July, 2019

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CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

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1. MES No. 365590, Bharpoor Singh s/o Sh. Basant Singh, aged 71 years, r/o House No. B-12-529 (Garcha Residence) Subhash Street, college Road, Barnala – 148101.
2. MES No. 362356 – Sh. Mukand Singh s/o Sh. Zora Singh, r/o VPO Naiwala, Tehsil and District Barnala – 148101.

....Applicants

(Present: Mr. Jagdeep Jaswal, Proxy Advocate)

Versus

1. Union of India through its Secretary, Ministry of Defence, South Block, New Delhi – 110011.
2. Chief Engineer, Head Quarters, MES, Western Command, Chandimandir, Panchkula – 134107.
3. Principal Controller of Defence Accounts (P), Draupadi Ghat Allahabad – 2110101.

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Respondents

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. Today, the Members of the CAT Bar Association are abstaining from work on a call given by High Court Bar Association.

2. MA No. 060/01214/2019 stands allowed and the applicants are permitted to join together to file this single O.A.

3. Perused the pleadings.

4. Applicants are before this Court seeking benefit of grant of 3rd financial upgradation under MACP Scheme from due date, in terms of judgment of the Hon'ble Supreme Court in the case of **Union of**

India and Others Vs. Balbir Singh Turn, (2018) 11 SCC 99. The representations dated 25.01.2019 and 17.12.2018 of applicant No. 1 and applicant no. 2 respectively have been responded to by the respondents vide letter dated 27.02.2019 (Annexure A-7 collly) stating that as and when clarification from higher HQ is received, they will be informed accordingly.

5. In the wake of above, I deem it appropriate to dispose of the O.A., in limine, with a direction to the respondents to consider and decide the claim of the applicants in view of the law settled by the Hon'ble Supreme Court in the case of Balbir Singh Turn (supra) and other similar judicial pronouncements on the issue, relied upon by the applicants, as mentioned in their representations, by passing a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. Ordered accordingly. A copy of the order so passed by duly communicated 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 merit of the case. No costs.

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 31.07.2019

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