

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00902/2019
Chandigarh, this the 30th day of August, 2019

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

...

Vijay w/o Ramesh, working as Part time Safai Karamchari, aged 46 years, (O/o Sub Record Officer, Railway Mail Service, Rohtak, R/o 2731/31, Gali No.2, Kaneli Road, Ambedkar Colony, Rohtak, Haryana - 124001 (Group D)

....Applicant

(Present: Mr. Rohit Seth, Advocate)

Versus

1. Union of India through the Secretary to Government of India, Ministry of Communications & Information Technology, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi, Finance, Department of Revenue, New Delhi - 110011.
2. Chief Post Master General, Haryana Circle, Ambala - 133001.
3. The Director (Postal Services) HQ, O/o Chief Post Master General, Haryana Circle, Ambala - 133001.
4. Superintendent, Railway Mail Service 'D'Division, Nankpura, New Delhi - 110021.
5. Sub Record Officer, Railway Mail Service, D-Division Rohtak, Haryana- 124001.

..... Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. The present O.A. has been filed by the applicant seeking a direction to the respondents to consider his claim for grant of minimum basic pay of Group D post w.e.f the date of completion of 20 years of service in view of judgment dated 02.03.2015 of Hon'ble Punjab and Haryana High Court in CWP No. 6754 of 2014 titled **Union of India Vs. Bishamber Dayal** (Part Time Water Man).
2. Heard.

3. Learned counsel submitted that the applicant submitted a representation dated 25.08.2014 (Annexure A-2), followed by a legal notice dated 08.04.2019 (Annexure A-4), with two fold prayer (i) for regularization his services in view his long service rendered with the respondents (ii) to grant him minimum basic pay of group D post being a part time daily wagger having completed 20 years of service. He contends that though the legal notice served upon the respondents by the applicant has been replied to while rejecting his claim for regularization, but the second issue with regard to grant of minimum basic pay of Group D to him has not even been touched in that reply. He, therefore, prayed that the respondents be directed to consider his second prayer with regard to grant of minimum basic pay in accordance with ratio laid down in the case of Bishamber Dayal (supra), within a stipulated time period.

4. Issue notice to the respondents.

5. At this stage, Mr. Sanjay Goyal, Sr. CGSC, appears and accepts notice. He does not object to the disposal of the O.A. in the above manner. He prays for an opportunity to re-consider the claim of the applicant in accordance with law, particularly the judgment relied upon by the applicant, and pass a reasoned and speaking order.

6. In the wake of above, I propose to dispose of the O.A., in limine, with a direction to the respondents to consider the claim of the applicant to grant him minimum basic pay of Group D in view of law laid down by the Court of Law in the case of Bishamber Dayal (supra), and if on such consideration, he is found to be similarly situated like the applicant in the relied upon case, the similar benefit be granted to him, otherwise a reasoned and speaking order be passed, with a copy

to the applicant, within a period of two months from the date of receipt of a copy of this order. Ordered accordingly.

7. 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: 30.08.2019

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