

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00910/2019
Chandigarh, this the 3rd day of September, 2019

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

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1. Manjeet Singh son of and legal heir of Late Sh. Gurdev Singh, aged 46 years, R/o Village Sangatpura, P.O. Manakpur Shariff, Tehsil Kharar, Distt. Mohali, Punjab – 140110.
2. Harinder Singh son of and legal heir of Late sh. Gurdev Singh, aged 46 years R/o Village Sangatpura, P.O. Manakpur Sharif, Tehsil Kharar, Distt. Mohali, Punjab- 140110.

....**Applicants**

(Present: Mr. Jagdeep Jaswal, Advocate)

Versus

1. Union of India, through Secretary, Ministry of External Affairs, South Block, New Delhi – 110001.
2. Joint Secretary (CPV) and Chief Passport Officer, Ministry of External Affairs, Tilak Marg, Patiala House, New Delhi – 110001.

....**Respondents**

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. MA NO. 060/01395/2019 is allowed and the applicants are permitted to join together to file this O.A.
2. Though quashing of order dated 12/13.10.2017 (Annexure A-1) to the extent of granting benefit of higher pay scale to the junior employees while ignoring the claim of the father (now deceased) of the applicants (who are legal heirs) is sought in the O.A., learned counsel makes a statement that he restricts the claim for issuance of a direction to the respondents to grant the relevant benefit to the applicants.
3. Learned counsel argued that in pursuance of judgment rendered by the Hon'ble Kerala High Court in the case of **Union of India &**

Another Vs. Rosamma Johan & Others (OP (CAT) NO. 202 of 2016 (z), further upheld by the Hon'ble Supreme Court of India by dismissing the SLP No. 27923/2017 on 18.09.2017 (Annexure A-4), even the juniors of the father of the applicants have been granted the higher pay scale of Rs.6500-10500 w.e.f. 01.11.1999, but the same has not been granted to him. He further submitted that the applicants moved a representation dated 05.04.2019 (Annexure A-4) seeking the relevant benefits, which is pending unanswered. He suffered a statement at the bar that the applicants would be satisfied if a direction is issued to the respondents to consider and decide the representation of the applicants in view of judgment on the issue.

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, however, submits that the respondents be given an opportunity to consider the claim of the applicants in the light of relied upon judgment, and also the aspect of delay as well.
6. In view of consensual agreement arrived at between the learned counsel for the parties, I propose to dispose of the O.A., in limine, with a direction to the respondents to decide the indicated representation (Annexure A-4) of the applicants in view of ratio laid down in the case of Rosamma Johan (supra) and if the applicants are found to be similarly situated like the applicant in the relied upon case, the relevant benefit be granted to them, otherwise a reasoned and speaking order be passed on their claim, 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 an opinion on the merit of the case. No costs.

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 03.09.2019

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