

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/01300/2019
Chandigarh, this the 17th day of December, 2019

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

....

MES No. 413873 Shiv Paul, aged 67 years, S/o Late Sh. Amin Chand, Junior Engineer (E/M) (Retd.), O/o Garrison Engineer, Babina Cantt. Pin-900226 C/o 56 APO, R/o House No. 380, Ward No. 4, VPO Pirhipur, Tehsil Ghanari, District Una (H.P.)-177204 Group B

....Applicant

(Present: Mr. R.K. Sharma, Advocate)

Versus

1. Union of India through Secretary to Government of India, Ministry of Defence, South Block, New Delhi – 110011.
2. Engineer-in-Chief, Army Headquarters, Kashmir House, Rajaji Marg, DHQ PO, New Delhi – 110011.
3. Director General (Pers) Army Headquarters, Kashmir House, Rajaji Marg, DHQ PO, New Delhi – 110011.
4. Chief Engineer HQ, Central Command, Lucknow Cantt- 226001.
5. Garrison Engineer, MES, Banina Cantt, Pin- 90-0226 C/o 56 APO.
6. Principal Controller of Defence Accounts (Pension), Daropadi Ghat, Allahabad – 211001.

..... Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. Heard.
2. This O.A. has been filed by the applicant seeking issuance of a direction to the respondents to extend him the benefit of judgment/order dated 30.05.2007 in the case of **Karnail Singh Jandu and Others Vs. Union of India & Others** (O.A. No. 431/CH/2006).
3. Learned counsel argued that the decision of this Court in the case of Kanrail Singh Jandu (supra) has been upheld by the Hon'ble Jurisdictional



High Court by dismissing the Writ Petition filed there against. He submitted that the decision dated 23.11.2010 of this Court in similar O.A. (No. 336/HP/2010) titled **H.C. Sharma and Others Vs. Union of India & Others** in terms of decision in the case of Karnail Singh has been upheld up to the Hon'ble Supreme Court vide order dated 15.09.2014 in SLP No. 15031-33/2014. It is argued that the benefit of judgment has been given to the applicants who approached the Court of law, but the similarly placed person like the applicant has not been extended the said benefit despite his representation dated 04.06.2019 (Annexure A-7), reminder dated 06.07.2019 (Annexure A-8) and legal notice dated 21.08.2019 (Annexure A-11). Therefore, learned counsel suffers a statement that the applicant would be satisfied if a direction is issued to the respondents to consider and decide his claim for grant of financial upgradation in view of ratio laid down in the case of Karnail Singh (supra).

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 manner, requested by the learned counsel for the applicant.

6. In the wake of above, I deem it appropriate to dispose of the O.A, in limine, with a direction to the Competent Authority, to whom the indicated representations and legal notice have been addressed, to take a call and decide the claim while taking into consideration the law laid down in the relied upon judgments, as noticed herein above, by passing a reasoned and peaking order within a period of two months from the date of receipt of a certified copy of this order. Ordered accordingly.



7. The order so passed be duly communicated to the applicant. 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: 17.12.2019
PLACE: CHANDIGARH

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