

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/01274/2019
Chandigarh, this the 11th day of December, 2019

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

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Parkash Singh S/o Sh. Hanuman Singh, aged 38 years, working as Waterman (Part time) RMS 'D' Division, Civil Line, Gurgaon, Haryana, R/o H. No. C-71, Rajendra Park, Gurgaon, Haryana -122001.

....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- 110002.
5. Superintendent Railway Mail Service 'D' Division, Civil Line, Gurgaon, Haryana.

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Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. The present O.A. has been filed by the applicant seeking the following relief:-

- (i) Direct the respondents to grant the applicant minimum basic pay of group 'D' post w.e.f. date of completion of 20 years i.e. August 2017 extending benefit of judgment dated 02.03.2015 (Annexure A-10) of Hon'ble Punjab and Haryana High Court in CWP No. 6754 of 2014 in case titled Union of India Vs. Bishamber Dayal.



2. Learned counsel submitted that the similarly situated employee like the applicant had approached this Court, for the same relief, by filing O.A. NO. 1068/HR/2013 titled **Bishamber Dayal Vs. Union of India & Others**, which was decided in his favour vide order dated 01.08.2013 (Annexure A-7) by directing the respondents to grant him the relevant benefit. Subsequently the Union of India filed a judicial review by way of CWP NO. 9167/2007 which was dismissed vide a common order dated 02.03.2015 (Annexure A-7) in all the similar matters, by the Hon'ble Jurisdictional High Court while recording a finding in para 23 thereof that the respondents (therein) shall continue in service with their current status but those who have completed 20 years as part-time daily wagers, shall be granted minimum basic pay of group D post(s) w.e.f. 01.04.2015 and/or the date of completion of 20 years contractual service, whichever is later. He further submitted that the order of the Hon'ble High Court was challenged before the Hon'ble Supreme Court by filing SLP NO. 13072-13073/2016 which was dismissed vide order dated 22.07.2016 (Annexure A-8), affirming the order of the Hon'ble High Court.

3. Learned counsel submitted that based upon the judicial pronouncement on the issue, the applicant filed a representations dated 08.08.2019 (Annexure A-2) for the same benefit, which stand unanswered till date. He made a prayer that the applicant would be satisfied if a direction is issued to the respondents to decide his claim in the light of relied upon judgments.

4. Issue notice.

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 terms.



He is also not in a position to cite any law contrary to what has been laid down in the judgment aforementioned.

6. In the wake of above, the O.A. is disposed of in limine, with a direction to the respondents to consider and decide the indicated representation of the applicant in the light of judgment of the Hon'ble High Court in the case of Bishamber Dayal (supra), as affirmed by the Hon'ble Supreme Court and other cases relied upon by him, within a period of two months. On such consideration, if the applicant is found similarly situated like the applicant in the relied upon case, then the similar benefit be extended to him within one month thereafter, otherwise a reasoned and speaking order be passed, and a copy thereof be duly communicated to him.

7. Needless to mention, 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: 11.12.2019
PLACE: CHANDIGARH

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