

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/01143/2019
Chandigarh, this the 06th day of November, 2019

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

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Sh. Balwinder Kumar son of Sh. Rajinder Pal, age 35 years, working as Frash in the office of Deputy Commissioner, Central Excise, Jalandhar Division, Jalandhar – 144001. (Casual Labourer, Group D)

....Applicant

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

Versus

1. Union of India through Secretary, Ministry of Finance, Department of Revenue, New Delhi – 110011.
2. Chief Commissioner of Central Excise and Customs, Sector 17, Chandigarh – 160017.
3. The Deputy Commissioner, Central Excise, Jalandhar Division Jalandhar – 144001.

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Respondents

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. Applicant is before this Court for issuance of a direction to the respondents to extend the benefit of DOP&T OM dated 07.06.1988 (Annexure A-2) at the rate of 1/30th of minimum of the pay scale of Group D post plus Dearness allowance.

2. Heard.

3. Mr. D.R. Sharma, learned counsel argued that the issue involved herein has already been put to rest by this Court in the case of **Jasbir Singh Vs. Union of India & Others**, (O.A. NO. 931/PB/2013 decided on 10.09.2014) and the benefit has been granted to the applicants (therein) vide order dated 18.08.2015 (Annexure A-6). He very fairly submitted that based upon the judicial pronouncement

aforementioned, the applicant moved a legal notice dated 23.01.2018 (Annexure A-1) which stands unanswered till date, and that he would be satisfied if a direction is issued to the respondents to consider and decide it in view of the ratio laid down in the relied upon case.

4. Considering the limited prayer made on behalf of the applicant, we deem it appropriate to dispose of this O.A., in limine, with a direction to the respondents to consider and decide the indicated legal notice (Annexure A-1) in accordance with law, and particularly in view of ratio laid down in the relied upon judgment. If the applicant is found similarly situated like the applicant in the relied upon case, the relevant benefit be granted to him, otherwise a reasoned and speaking order be passed within a period of two months from the date of receipt of a copy of this order. A copy of the order so passed be communicated to the applicant.

5. 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.

(MOHD. JAMSHED)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 06.11.2019

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