



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O.A. No. 208/2023

Chandigarh, this the 3rd day of March, 2023

HON'BLE SH. RAMESH SINGH THAKUR MEMBER (J)
HON'BLE MRS. RASHMI SAXENA SAHNI, MEMBER (A)

1. MES No. 372457, Pawan Kumar s/o Sh. Kashturi Lal, aged 58 years
2. MES No. 372449, Avtar Singh s/o Sh. Gurnam Singh

...Applicants

(BY ADVOCATE: Sh. K.B. Sharma)

VERSUS

1. Union of India through its Secretary, Ministry of Defence, South Block, New Delhi-110001.
2. The Engineer in Chief, Military Engineer Services, Engineer-in-Chief's Branch, Integrated Hqs. Of MoD (Army), Kashmir House, DHQ, PO, New Delhi-110011.
3. The Chief Engineer, MES, HQ, Western Command, Chandimandir, Panchkula-134107.
4. HQ, Commander Works Engineer, MES, Amritsar-143001.
5. Garrison engineer, Gurdaspur, Military Station, Gurdaspur (Punjab).

...Respondents

(BY ADVOCATE: Sh. Sanjay Goyal, Sr. CGSC on receipt of advance copy of OA)

O R D E R(Oral)



Per: SH. RAMESH SINGH THAKUR MEMBER (J):

Misc. Application No. 503/2023

This application has been filed by the applicants seeking permission to prosecute this Original Application jointly on the ground that both the applicants are similarly circumstanced and also the cause of action and nature of relief prayed for by them are same.

Resultantly, the Misc. Application is allowed and the applicants are permitted to prosecute this Original Application jointly.

Original Application

1. Heard.
2. Issue notices to the respondents.
3. Sh. Sanjay Goyal, learned Sr. Central Govt. Standing Counsel, accepts notices on behalf of the respondents.
4. This Original Application has been filed by the applicants under Section 19 of the Administrative Tribunals Act against the inaction of the respondent department for not deciding the representations dated 16.11.2022 (Annexure A-8 (colly)).



5. From the pleadings of the case, the applicants the applicants initially joined service with the respondent departments as Elect, Skilled on 04.04.1987 and were subsequently promoted as Elect, HSG-II. They became eligible for promotion to the post of Elect, MCM on completion of 3 years of regular service as Elect-HS-I. Despite the fact that the vacancies for the post of Elect MCM were available with the respondents in the year 2015, they did not convene DPC for the post of Elect, MCM without any reason and thus delayed promotion. Thereafter, no DPC was convened till 2021 and ultimately, the respondents convened the DPC on 30.01.2021. The applicants submit that though the applicants were promoted as Elect, MCM vide order dated 30.01.2021 against the vacancy year of 2014-15, the respondents granted seniority and pay fixation to the applicants from the date of assumption of charge of the post of elect, MCM, i.e. w.e.f. 30.01.2021 instead of vacancy year 2015.

6. The applicants submitted representations dated 16.11.2022 (Annexure A-8 colly) and requested for notional seniority and increment from the vacancy year i.e. 2014-2015, but the same are pending.



7. The learned counsel for the applicants submit that the applicants will be satisfied if respondent No. 4 is directed to decide the representations (Annexure A-8 colly) preferred by the applicants in a time bound manner and as per law.

8. The learned counsel for the respondents has no objection in disposal of the OA in the above manner.

9. In view of the above, we are of the opinion that the ends of justice will be met if the competent authority (respondent No. 4 herein) is directed to decide the representations (Annexure A-8 colly) in a time bound manner.

10. Resultantly, the Competent Authority, respondent No. 4 is directed to decide the representations dated 16.11.2022 (Annexure A-8 colly) preferred by the applicants and decide the same within a period of eight weeks after the receipt of the order.

11. Needless to state that the Competent Authority shall pass a reasoned and speaking order on the claim of the applicant as per law while dealing with all the contentions raised in the representations (Annexure A-8 colly).

12. With the above observations, the Original Application is disposed of at the admission stage itself.



13. Applicants are directed to make available a copy of the order of this Tribunal as well as a copy of Original Application to the Competent Authority (respondent No. 4 herein).

14. It is made clear that the Tribunal has not touched the merits of the case.

(RASHMI SAXENA SAHNI)
Member (A)

(RAMESH SINGH THAKUR)
Member (J)

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