

CENTRAL ADMINISTRATIVE TRIBUNAL CHANDIGARH BENCH

Order Sheet

Item no.: 16
M.A./1650/2021 (CHANDIGARH)
In
O.A./1294/2019
PAY AND ALLOWANCES
M.A./1232/2020
Court No.: 1

No of Adjournment: 6

Order Dated: 11/05/2022

**KEWAL SINGH
Vs
CENTRAL PUBLIC WORKS DIVISION**

For Applicant(s) Advocate : SH. R.K. SHARMA

For Respondent(s) Advocate : SH. SANJAY GOYAL

Order of The Tribunal

Misc. Application No.2278/2021

Misc. Application No.2278/2021 has been filed by the respondents in order to place on record their compliance affidavit dated 11.10.2021.

Prayer made in the said misc. application is allowed for the reasons stated therein.

Accordingly, the respondents' compliance affidavit dated 11.10.2021 is ordered to be taken on record.

Misc. Application No.2368/2021

Misc. Application No.2368/2021 has been filed by the applicant in order to place on record the rebuttal to respondents' compliance affidavit dated 11.10.2021.

Prayer made in the said misc. application is allowed for the reasons stated therein.

Accordingly, the applicants' rebuttal to respondents' compliance affidavit dated 11.10.2021 is ordered to be taken on record.

Misc. Application No.1650/2021

The applicant had filed the Original Application No.60/1294/2019 making therein a prayer for issuance of a direction to respondents to extend him the benefit of the judgment/order dated 30.05.2007 passed by this Tribunal in O.A. No.431/CH/2006 **Karnail Singh Jandu & Ors. Vs. Union of India and Ors.** It was submitted that the order dated 23.11.2020 passed by this Tribunal in similar O.A. No.336/HP/2010 titled **H.C. Sharma and Ors. Vs. Union of India and Ors.** in terms of decision in the case of Karnail Singh (supra) has been upheld up to the level of the Hon'ble Supreme Court by way of an order dated 15.09.2014 passed in SLP (Civil) No.15031-33/2014.

While noticing the said submissions, this Tribunal by way of an order dated 17.12.2019 disposed of the O.A. No.60/1294/2019 with a direction to competent authority to decide the applicant's pending representations after taking into consideration the principles laid down in the relied upon judgments. A period of two months was granted to respondents to undertake the whole exercise.

The respondents, however, failed to abide by the directions of this Tribunal and, therefore, the applicant (herein) filed Misc. Application No.1232/2020 in order to execute the order dated 17.12.2019 passed in O.A. No.60/1294/2019. After issuance of notice in the said Misc. Application, the respondents moved Misc.

Application No.486/2021 for granting extension of two months' more time to implement the orders passed by this Tribunal. The said Misc. Application was allowed on 10.03.2021 and the respondents were granted two months' more time to implement the order dated 17.12.2019 passed by this Tribunal in O.A. No.60/1294/2019.

Thereafter, Misc. Application No.1232/2020 was disposed of on 16.03.2021 with liberty to the applicant to get the same revived in the eventuality of failure of the respondents to implement the order dated 17.12.2019 passed by this Tribunal in O.A. No.60/1294/2019 within the extended period of two months.

The respondents still failed to comply with the aforesaid order within the extended period of two months compelling the applicant to file Misc. Application No.1650/2021.

Notice in the Misc. Application No.1650/2021 was issued on 09.08.2021.

After getting the notice, the respondents have now issued an order dated 08.10.2021, which in my opinion, cannot be construed to be the compliance of this Tribunal's order dated 17.12.2019 in its letter and spirit as it has nowhere been pointed out as to how the facts in Karnail Singh Jandu (supra) are distinguishable with the case of the applicant herein.

Misc. Application No.1650/2021, therefore, deserves to be allowed and the same is hereby allowed.

Accordingly, Misc. Application No.1232/2020 wherein the applicant is seeking execution of the order dated 17.12.2019 passed by this Tribunal in O.A. No.60/1294/2019 stands restored to its

original number.

Let the reply to Misc. Application No.1232/2020 now be filed by the respondents within a period of two weeks from today.

List on 27.05.2022.

Suresh Kumar Monga
Member (J)

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