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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2938/2002
M.A.NO.2506/2002

Wednesday, this the 13th day of November, 2002

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri A.P. Nagrath, Member (A)

1. Shri Pulkit Sah
s/o Ayodhi Sahu
Sector-4/1185, R.K.Puram
New Delhi-22
2. Shri Narender Narang
s/o late Shri H.L. Narang
D-296, Nirman Vihar,
Delhi-92
3. Smt. Alka Sohal
w/o Anil Kumar Sohal
85-A, DDA LIG Flat, Rajouri Garden,
New Delhi-27
4. Shri Sunil Kumar Sharma
Late Shri Om Dutt Sharma
Q.No.675, Sec-12
R.K. Puram, N. Delhi-22
5. Shri T.R. Sanwaria
Late Shri Ram Singh
I-2nd 193 Madangir, New Delhi-62
6. Smt. Anita Negi
w/o N.S. Negi, E-184, Pocket-I, Mayur Vihar
Phase-I, Delhi-9
7. Smt. Nutan Malhotra
w/o J.C. Malhotra
A-7 Vandana Apartment,
Sector-13, Rohini - I, Delhi-85
8. Ms. Ravinder Kaur
d/o Late Shri G.S. Nanda
DG-3/330, Vikas Puri, New Delhi-15
9. Kum. Vijayanti Mala
d/o Late Shri Metha Ram
B/63, Moti Nagar, New Delhi-15
10. Shri R.B. Bhagat
s/o J.N. Bhagat
Sec.4, 107D, Pushp Vihar,
New Delhi-17
11. Smt. Usha Sachdeva
w/o Satish Sachdeva
D-54, V.K. Dutta Colony,
Lodhi Road, New Delhi-3
12. Shri Jagdish Prakash
Late Shri Mangi Ram
51/2D/S-2/DTZ Area, Gole Market
New Delhi-1

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13. Smt. Veena Bansal
w/o U.C. Bansal
D1/20, Lodhi Colony,
New Delhi-3

14. Smt. T. G. Kullu
w/o Elias Kullu
84-A, DDA Flat, LIG, Rajouri Garden
New Delhi-27

15. Smt. Sneh Lata Kapoor
w/o V.K. Kapoor
2253/M/1 Shadi Khampur, West Patel Nagar
New Delhi

16. Shri N.R. Kalonia
s/o Sh. Rati Ram
75/1B/Sec.2 DIZ Area
Kali Bari Marg, N. Delhi
(By Advocate: Shri Deepak Verma) ..Applicants

Versus

1. The Secretary
Dept. of Personnel & Training (DOPT)
North Block, New Delhi

2. The Secretary
Dept. of Expenditure
Ministry of Finance
North Block, New Delhi

3. The Secretary
Staff Selection Commission
Block-12, CGO Complex, Lodi Road
New Delhi-3 ..Respondents

O R D E R (ORAL)

Shri Justice V.S. Aggarwal:

MA-2506/2002

MA-2506/2002 is allowed subject to just exceptions. Filing of joint application is permitted.

OA-2938/2002

By virtue of the present OA, the applicants are seeking that their pay should be refixed w.e.f. 1.1.1986 instead of 11.9.1989 with consequential benefits.

2. As per the applicants, this Tribunal in OA 1649/2001 (Birender Singh & Others Vs. Union of India &



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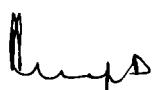
Others) had allowed the said application and the respondents were directed to grant the applicants the revised pay scales w.e.f. 1.1.1986 instead of 11.9.1989 and refix their pay accordingly.

3. The applicants' contention is that they are similarly situated persons but the same relief claimed by them has been denied to them. In this regard, they have already submitted a representation dated 10.3.2002, a copy of which is placed at Annexure A-3, but no decision seemingly has been taken.

4. We need hardly to emphasize that if the applicants are similarly situated persons and in a particular matter there is a judicial pronouncement, parties should not be directed to approach the Courts/Tribunals for the same relief and it should be granted as such unless there are cogent reasons for not doing so.

5. Since the representation of the applicant is pending, at this stage, we dispose of the present OA with a direction that the representation of the applicant, referred to above, should be taken note of and a decision be taken preferably within a period of four months from the date of receipt of a certified copy of the present order. The respondents would be at liberty to consider and decide the same by passing a speaking order, if the applicants are not entitled to the benefit of the judgment of this Tribunal, referred to above.

6. Subject to aforesaid, OA is disposed of.



(A.P. Nagrath)
Member (A)



(V.S. Aggarwal)
Chairman

/sunil/