

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
OA 1195/2002 with OA 1348/2002

New Delhi, this the 16th day of January, 2003

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

OA 1195/2002

Girish Chanda & 58 others
as per details given in
Memo of parties to the OA .. Applicants

OA 1348/2002

Yatendra Singh & 149 others
as per details given in
Memo of Parties to the OA .. Applicants

(Shri E.J.Verghese, Advocate)

versus

Union of India, through

1. Secretary
Ministry of Finance
Department of Expenditure
North Block, New Delhi
2. Secretary
Ministry of Defence
South Block, New Delhi
3. Controller General of Defence
Accounts, West Block
RK Puram, New Delhi
4. Principal Controller of Defence
Accounts, G Block
New Delhi ..

Respondents

(Shri Mohar Singh and Shri R.N.Singh, Advocates)

ORDER(oral)

Shri Justice V.S. Aggarwal

We proceed to dispose of both OAs by a common order.

2. The applicants are employees of Defence Accounts Department and working in the office of Principal Controller of Defence Accounts, G Block, New Delhi. By virtue of the present applications, they seek a direction that they are entitled to parity of pay scale with Assistants of Central Secretariat Service.

Ms Ag

3. As the issue involved has been decided, it becomes unnecessary for us to ponder further with the controversy because our attention has been drawn towards the decision rendered by this Tribunal in OA 1664/2001 (RCP Singh Vs. UOI) decided on 11.4.2002. It is not in controversy therein also that the applicants in the aforesaid original application, like the present applicants, are the employees in Defence Accounts Department and they were seeking parity of pay scale as has been claimed by the present applicants. These arguments have also been referred to in OA No.85/2000 decided by the Guwahati Bench whereby the parity claimed by the applicants therein has been allowed.

4. On behalf of the respondents, it has been urged that (a) the said decision is not correct in law; (b) they have filed writ petition in the Delhi High Court against the decision referred to above rendered by this Tribunal on 11.4.2002.

5. Considering the abovesaid contentions, we have no hesitation in reiterating our stand that once the matter has been adjudicated between parties similarly situated, we have no reason as to why different views should be expressed. There should be certainty in law and no variance in this regard when similarly situated persons have been given certain benefit. It is unnecessary to state that the applicants herein necessarily should be given the same benefit subject to finalisation of the writ or appeal that may be or has been filed. This Tribunal, therefore, rejects the first contention.

Ms Ag —

6. As regards the pendency of the writ petition filed by the respondents against the decision rendered by this Tribunal in the case of RCP Singh (supra), it is not pointed that operation of the judgement has been stayed. ^{in not} Once it is so, we find no reason therefore for passing ~~an~~ a similar order.

7. Accordingly, we allow the present OAs and direct the respondents to implement the directions of this Tribunal in the case of present applicants also as were given in the case of RCP Singh (supra).

8. With the aforesaid observations, both OAs are disposed.

V. Srikantan
(V. Srikantan)
Member(A)

V.S.A.
(V. S. Aggarwal)
Chairman

/gtv/