

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 3066/2002
MA 2606/2002

New Delhi, this the 16th day of December, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Sh. Govindan S.Tampi, Member (A)

1. V.P.Verma
S/o Late Sh. Gokal Parsad
R/o F-92, Nanakpura, New Delhi.
2. Ashwani Kumar
S/o Late Sh. B.K.Sachdeva
R/o GH-4/234, Paschim Vihar, New Delhi.
3. R.Rajaraman
S/o Sh. R.Rama Krishnan
R/o Quarter No.460, Type-II
Govt. Quarter, Sector V,
Pushp Vihar, New Delhi.
4. S.R.S.Negi
R/o Vill. Dhor, P.O.Joshimath
Distt. Chamoli
Garwal (Uttaranchal).

...Applicants

(By Advocate Sh. Yogesh Sharma)

V E R S U S

1. Union of India through
The Secretary (R)
Cabinet Secretariate
7, Bikaner House, Shahjahan Road
New Delhi.
2. The Deputy Secretary (Pers.I)
Cabinet Secretariate
7, Bikaner House, Shahjahan Road
New Delhi.
3. The Under Secretary (Pers.I)
Cabinet Secretariate
7, Bikaner House, Shahjahan Road
New Delhi.

...Respondents

O R D E R (ORAL)

By Hon'ble Smt. Lakshmi Swaminathan, VC (J)

Heard Sh. Yogesh Sharma, ld. counsel for the
applicants.

2. This is an application filed by four
applicants, praying for permission to file a joint

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application, as they have stated that they have common cause of action and the reliefs prayed for against the respondents are also similar. Noting these submissions, MA 2606/2002 is allowed.

3. Applicants are aggrieved by the orders issued by the respondents dated 3-10-2002 and 30-5-2002 in respect of applicants Nos. 1,2 & 4. Sh. Yogesh Sharma, learned counsel submits that a similar reply has also been given to applicant No. 3 that the request for grant of revision of pay scale cannot be granted to him. The relevant portion of the Memorandum dated 3-10-2002 and 30-5-2002 for rejecting the applicants' requests show that the same has been done because the applicants were not parties to the judgement and orders passed by the Tribunal (Cuttack Bench) in B.Mohanty & Ors. Vs. UOI & Ors. (57/86) decided on 22-2-1992, which has been upheld by the Hon'ble Supreme Court in of UOI & Ors. Vs. B.Mohanty & Ors. (Civil Appeal No.3567/93) vide order dt. 24-11-1998, copy placed on record. These orders have been referred to and followed in the judgement and order of the Tribunal (Principal Bench) in Sunder Singh & Ors. Vs. UOI & Ors. (OA 1107/2000 with connected cases) decided on 18-5-2001 (Annexure A-4). In the second paragraph of the judgement dated 18-5-2001, it is stated that the respondents had rejected the representations of the applicants vide various communications stating that the "matter regarding extension of the benefit of CAT judgement to Non-Matric FAs who are non-petitioners in the above case was taken up with the Ministry of Finance. They

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have conveyed the decision to the effect that the benefit of the judgement of the Tribunal is given only to the petitioners and the same is not automatically extended to the non-petitioners. This policy is being adopted uniformly in all the cases". The reasons given in the rejection memoranda to the applicants in the present case are exactly on the same lines, that after examination of the matter with the Ministry of Finance, the respondents have decided not to give the benefit of the judgment orders of the Tribunal in the aforesaid cases which have been upheld by the Hon'ble Supreme Court, to the non-applicants.

4. It is further relevant to note that in the judgement of the Tribunal in Sunder Singh's case (supra), the decision of the Hon'ble Tribunal in P.K.Rangachari Vs. UOI & Ors. (1993 (24) ATC 884) has been quoted and relied upon in which their Lordships have held as follows :-

"6.....where the Court deals with a matter which is individual and personal to the government servant, like pay fixation or a disciplinary proceedings, that decision would apply obviously only to that government servant. If on the contrary the decision/even in a case filed by a single government servant pertains to a question of principle relating to the conditions of service, even though it is not couched in the form of a general principle, it applies automatically to all those who are in the same situation. That is the effect of the status of the government servant who is governed by a set of rules applicable to all. In such cases, the decision of the Tribunal partakes of the nature of a rule and it gets added to the set of existing rules or modifies one of them " (emphasise added)

5. It is indeed very unfortunate that in spite of the above referred ~~to~~ judgements, the

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respondents have chosen again to reject the representations of the applicants merely on the ground that they were not applicants in the aforesaid cases. We are constrained to note that such peremptory disposal of the applicants' representations on the aforesaid ground shows not only non-application of mind to the settled law as held by the Hon'ble Supreme Court in P.K.Rangachari's case (supra) but also leads to unnecessary litigation. This could certainly have been avoided, provided the respondents had applied their mind to the aforesaid principles of law which was brought to their notice by the applicants. As this has not been done by the respondents, hence, this OA.

6. In the facts and circumstances of the case, the OA is allowed and is accordingly disposed of with the following directions :-

(i) The impugned orders dt. 3-10-2002 and 30-5-2002 (Annexure A-1 and A-3) denying the applicants the benefit of the aforesaid judgements of the Tribunal and the Hon'ble Supreme Court are quashed and set aside ;

(ii) The respondents are directed to consider the claims of the applicant for extension of the benefits of the aforesaid judgements of the Tribunal (Cuttack Bench) in B.Mohanty's case and Principal Bench in Sunder Singh's case (supra) with connected cases, read with the judgement of the Hon'ble Supreme

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Court dt. 24-11-98 to the relevant facts applicable to the applicants and grant them such benefits if they are similarly situated.

(iii) Necessary action as above shall be taken within one month from the date of receipt of a copy of this order, with intimation to the applicants. In case the respondents are rejecting the claims, they shall do so by passing a detail, reasoned and speaking order duly supported by the rules and documents they rely upon which shall also be done within the same time.

No order as to costs.

(Govindan S. Tampi)
Member (A)

/vksn/

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)