

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

O.A. No. 318/2014

Date of decision: 10.01.2020

Hon'ble Mr. Suresh Kumar Monga, Member (J)
Hon'ble Mr. A. Mukhopadhaya, Member (A)

Bharat Sharma s/o late Shri Kishan Lal Sharma, aged about 63 years, presently ret. As Senior Accounts officer from o/o R.A.O. (M.E.S.) Jodhpur, presently resident of C/O Dr. J.S.Chauhan, B-79-10-B Scheme, Gopal Pura Bypass Road, Jaipur.

...Applicant.

(By Advocate: Shri P.N.Jatti with Ms.A.B.Jatti)

Versus

1. Union of India through the Secretary to the Govt. of India, Ministry of Defense, South Block, New Delhi.
2. The Financial Advisor Cum Secretary (FADS) Ministry of Defense, South Block, New Delhi.
3. The Controller General of Defense Accounts, Ulan Batar Marg, Palam, Delhi Cantt.
4. Regional Audit Office, Military Engineering Services, Jodhpur-342001.

...Respondents.

(By Advocate: Shri N.C.Goyal)

ORDER (ORAL)

Per: Suresh Kumar Monga, Member (J):

The present original application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking therein the following relief:

"8.1 That by a suitable writ/order or the direction the impugned order dated 24/12/2013 vide Annexure A/1 be quashed and set aside.

(2)

8.2 That by a suitable writ/order or the directions the contention of the respondents that the benefits of the order in OA 1979/2011 could be implemented in the case of only the applicant in the OA 1979/2011 and not to other similarly situated employees, be quashed and set aside being wrong and arbitrary and the benefit in WP no.3435/2013 be implemented to the applicant with all the consequential benefits.

Any other relief which the Hon'ble bench deems fit."

2. At the very outset, learned counsel for the respondents pointed out that the issue involved in the present Original Application has already been decided by the Principal Bench of this Tribunal in OA No.3918/2013 with OA No.4212/2013 vide its order dated 15th September, 2015 as well as by the Hon'ble High Court of Kerala at Ernakulam in OP (CAT) No.446/2012 (Z) vide its order dated 09th July, 2015 and, therefore, the Original Application is liable to be dismissed in the light of those judgements. The fact as stated by learned counsel for the respondents has not been disputed by learned counsel for the applicant.

3. In view of the above, the Original Application is dismissed. However, there shall be no order as to costs.

(A.Mukhopadhaya)
Member (A)

(Suresh Kumar Monga)
Member (J)

/kdr/