

Central Administrative Tribunal
Principal Bench

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OA No.1744/2001

New Delhi, this the 14th day of August, 2002.

Hon'ble Shri M.P. Singh, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

1. Kuldip Kumar
Qtr.No.77/12, MES Colony
Air Force, Pinto Park
Delhi Cantt-10.
2. Jaswant Singh
S/o Sh. Budh Ram
Vill. Shahbad Mohammad Pur
New Delhi-110045.
3. Ramesh Chand
S/o Baljit Singh
Vill. Rangpuri
New Delhi-110037.
4. Ravinder Kumar
S/o Shri Krishan Datt Gaur
420, Mai Dayal Building
Palam Colony, Delhi-45.
5. Satvir Singh
S/o Shri Mukhtiar Singh
Vill. Ritouly, PO Ritouly
Distt. Rohtak (Haryana).
6. Vinod Kumar Verma
S/o Shri Ishwar Singh
A-46, Jeewan Park, Pankha Road
New Delhi 110059.
7. Raj Singh
S/o Shri Hosyar Singh
Qtr.No.77/12, Pinto Park
MES Colony
AF Station, Palam, New Delhi-10.
8. Naveen Chander Joshi
S/o Shri Jagdish Chandra Joshi
76/21, Pinto Park
MES Colony, Air Force Station, Palam
Delhi Cantt. 10.
9. Dinesh Kumar
S/o Shri Prem Narain
R.C.Modern Public School
Palam Colony
Sadh Nagar, New Delhi-110045.
10. Balam Singh
S/o Shri Sher Singh
P/76/12, MES Colony
Pinto Park, AF Station
Palam, Delhi Cantt. 10.

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11. Humam Singh
S/o Sh. Ram Dhan
75/2, MES Colony, Pinto Park
Air Force Station, Palam
New Delhi-110010.
12. Ravinder Singh
S/o Sh. Badloo Ram
House No. 57, Palam Village
New Delhi-110045.

All working as Trademen in the Military Engineering Service, Northern Region.

(Sh. S.K.Sinha, Advocate)

..... Applicants

Versus

1. Union of India
through the Secretary
Ministry of Defence
Govt. of India
North Block
New Delhi-110001.
2. The Garrison Engineer (North)
Air Force Palam
Delhi Cantt. - 10.

.. Respondents

(Shri Sachin Chauhan proxy for Ms. Harvinder Oberoi, counsel for the respondents.)

Order (Oral)

By Shri Shanker Raju, Member (J)

Heard the parties.

2. Applicants who have been recruited as Tradesmen in the office of Garrison Engineer are seeking extension of benefit of the decision of Jodhpur Bench in OA 102/1995 decided on 13.9.1999 where similarly situated tradesmen have been placed in the pay scale of Rs. 950-1500/- from the date of their initial appointment.
3. Applicants preferred representation to claim benefit of decision which was rejected by an impugned order of 24.2.2001 stating that the benefits have been made applicable only to those applicants who have filed court cases and in whose favour judgement has been received.
4. Shri Sinha placing reliance on a decision of the Constitution Bench of Apex Court in K.C.Sharma vs. Union of

India 1998(1)SLJ S.C.54 contended that similarly circumstance can not be denied the benefit of a court judgement. It is not necessarily to drag those to the court.

5. In their reply respondents have taken a plea that the case of the applicant is different from the judgement passed by the Jodhpur Bench, but in supports no reasons have forthcome. Another stand of respondent is on the plea that as the directions of the Jodhpur Bench, the benefit was accorded to the applicant therein and it is not indicated that the benefit should be given to all others similarly situated applicants can not be granted the benefit.

6. We have carefully considered the rival contention of the parties. We find that the applicants in this OA are similarly circumstance as the tradesmen in Jodhpur Bench. Once having accorded the grade of Rs.950-1500/- to them from the date of appointment the same can not be denied to the applicants in the present OA. K.C.Sharma's case supra it has been categorically ruled that similarly circumstances can not be denied extension of benefit of a judgement. All the pleas taken by the respondents in this OA have already been dealt with by the Jodhpur Bench of this Tribunal. We agree with the same.

7. For the aforesaid reasons we allow this OA. Impugned order is set aside. Respondents are directed to extend to the applicants benefit of judgement of Jodhpur Bench by according them all the consequential reliefs within three months from the date of receipt of the copy of this order. No costs.

S. Raju

(Shanker Raju)
Member (J)

(M.P. Singh)
Member (A)

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breph m/s for correction in order.

