

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No. 3382/2001

New Delhi this the 6th day of June, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)  
Hon'ble Shri M.P.Singh, Member (A)

(4)

1. R.B.Bhatt, AFO
2. M.L.Sharma, SFA
3. N.S. Rawat, SFA
4. P.S.Rawat, SFA
5. B.S. Dhami, SFA
6. G.R.Aree, SFA
7. Bhagwat Swaroop-I, SFA
8. Debendra Singh
9. Chander Pal, SFA
10. Shanker Lal, SFA
11. Kuldeep Kumar, SFA
12. Khub Karan, SFA
13. Mahabir Singh, SFA
14. K.S. Bist, SFA
15. Raj Pal, SFA
16. Bihari Lal, SFA
17. Hari Dutt Sharma, AFO
18. M.S. Tanwar, SFA
19. Devi Singh, SFA
20. Vasudev, AFO
21. Ashok Kumar, SFA
22. Chander Singh, SFA
23. Jai Pal Dhiryan, SFA
24. Bachan Yadav, SFA
25. Bhopal, SFA
26. Suresh Kumar, SFA
27. Channi Ram, SFA
28. A.K.Khanna, SFA
29. A.N.Krishnan, SFA
30. Sultan Singh, AFO
31. Rameshwar Dayal, AFO
32. Dharam Vir Singh, SFA
33. Bhans Raj Singh, SFA.
34. K.Sengodan, SFA

..Applicants

(All the applicants are working in the office of Respondents No 2).

(By Advocate Shri M.K.Gupta )

v/s

1. Union of India,  
Through the Secretary (R),  
Cabinet Secretariat,  
7, Bikaner House(Annexe),  
Shahjahan Road,  
New Delhi-110003.

2. Special Secretary-I,  
Cabinet Secretariat,  
7, Bikaner House(Annexe),  
Shahjahan Road,  
New Delhi-110003.

..Respondents

(By Advocate Sh.Madhav Panikar)

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(S)

O R D E R (ORAL)

**(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)**

In this application the applicants have prayed for a direction to the respondents to grant them the same benefits which have been granted by the Tribunal to the applicants in OA No.57/1986 as affirmed by the Hon'ble Supreme Court in CA No. 3567/1993 as well as OAs No.1107,1205, 1223 of 2000 and 130 of 2001, with all consequential benefits alongwith interest at the rate of 18 % per annum.

2. We have heard Shri M.K.Gupta, learned counsel for the applicants and Shri Madhav Panikar, learned counsel for the respondents and perused the aforesaid relevant judgements and pleadings on record. We note from the reply filed by the respondents that their contention is that they have taken a decision not to extend the benefit of the aforesaid judgements of the Tribunal to other similarly placed persons but only to the applicants in the OAs.

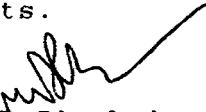
3. In OA 1107/2000, OA 1223/ 2000 and OA 130 of 2001, the Tribunal had disposed of those applications by a common order dated 18.5.2001 (Annexure A-4). We are in respectful agreement with the reasoning of that judgements-order of the Tribunal that similarly situated persons have to be given the same benefits, where the facts and issues are mutatis mutandis applicable, like the present case. Shri

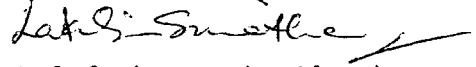
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M.K.Gupta, learned counsel for the applicants has submitted that the 34 applicants in the present case are similarly situated as the applicants in the aforesaid Original Applications decided by the Tribunal by order dated 18.5.2001, which has in turn followed the earlier order of the Cuttack Bench of the Tribunal which has been approved by the Hon'ble Supreme Court.

4. In the result, the present OA is also partly allowed. The applicants are entitled to similar benefits as were granted to the applicants in the aforesaid judgement of the Principal Bench of the Tribunal dated 18.5.2001. In other words, they will be entitled to notional fixation of pay in the pay scale of Rs. 225-308 w.e.f. 1.1.1973 but having regard to the provisions of Sections 20 and 21 of the Administrative Tribunals Act, 1985, they shall be entitled to the difference of pay benefits only with effect from one year prior to the date of filing of the OA. The arrears shall be paid to the applicants within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

  
(M.P.Singh )  
Member (A)

  
(Smt.Lakshmi Swaminathan)  
Vice Chairman (J)

sk.