

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

G.A.No.2165 of 1998

New Delhi, this 10th day of November, 1998.

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J)
HON'BLE SHRI K. MUTHUKUMAR, MEMBER(A)

Gopal Krishan Sharma
R/o 2534, Chhey Ghara
Dharampura
Delhi.

... Applicant

By Advocate: Shri Rajiv Bansal, proxy
counsel for Shri B.K. Aggarwal.

versus

1. Union of India,
Lt. Governor of Delhi
National Capital Territory of Delhi
Raj Niwas
Delhi 110 054.
Through,
Government of NCT of Delhi
Directorate of Education
Room No.2110, Old Secretariat
Delhi 110054.
2. Ministry of Home Affairs
through its Secretary
Ministry of Home
North Block
New Delhi.

... Respondents

O R D E R (oral)

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J)

Heard Shri Rajiv Bansal, learned proxy
counsel for the applicant and perused the records.

2. Learned counsel submits that the respondents
have acted in an arbitrary manner in that a similarly
situated person, Shri Chotey Lal, Investigator, has
been given the benefit of service rendered by him in
Delhi Census Office, whereas this has been denied to

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the applicant who had also served in the Census Department for the period from 3.7.61 to 28.2.63. He further submits that this fact had already been brought to the notice of the respondents in the representation which has been referred to in the earlier order passed by the Tribunal in OA.1562/97 dated 9.7.97. He further submits that the only ground respondent-1 has refused similar treatment to the applicant is that the benefits can be allowed only with the approval of respondent-2.

3. We note that Ministry of Home Affairs/respondent-2 was also a party in OA.1562/97, but admittedly the order dated 16.3.98 which has been impugned in this OA, has been passed only by respondent-1.

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

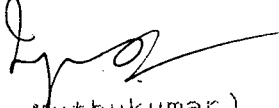
(1) In the light of the order passed by the Tribunal dated 9.7.97 in OA.1562/97, respondent-1 shall further place the relevant papers including the representation made by the applicant, together with the aforesaid order of the Tribunal before respondent-2 who shall pass a reasoned and speaking order within one month from the date of receipt of a copy of this order with communication to the applicant;


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(iii) Respondents-1&2 shall also, grant personal hearing to the applicant and keep in view their orders passed in the case of Shri Chhotey Lal, with whom applicant claims parity before passing the aforesaid order; and

(iii) If any further grievance survives on any such order as may be passed by respondents-1&2, ^{liberty B.} ~~respondent~~ is given to the applicant to take any appropriate proceedings as are open to him under law.

No order as to costs.


(K. Muthukumar)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)