

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

D.A. NO.1331/1995
M.A. NO.1902/1995

(3)

New Delhi this the 14th day of May, 1996.

HON'BLE SHRI JUSTICE A. P. RAVANI, CHAIRMAN
HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

1. Charan Dass Garg,
Junior Engineer (Elec.),
Hindon Central Electrical
Sub Divn. IV, CPWD,
Hindon Air Force,
Ghaziabad.
2. Amrit Lal Sood,
Junior Engineer (Elec.),
under Executive Engineer (P),
CPWD East Block-III,
E.D. VII, R.K.Puram, Sec.-I,
New Delhi. ... Applicants

(By Shri B. S. Maine, Advocate)

-Versus-

1. Union of India through
Secretary, Ministry of
Urban Development,
Nirman Bhawan, New Delhi.
2. The Director General of Works,
CPWD, Nirman Bhawan, New Delhi.
3. Superintending Engineer (Elec.),
Circle No.VIII, CPWD, I.P.Bhawan,
New Delhi.
4. The Executive Engineer (Elec.),
Hindon Central Electrical Division,
CPWD, Hindon Air Force,
Ghaziabad.
5. The Executive Engineer (E),
CPWD, East Block III, ED VII,
Level 7, R.K. Puram, Sec.-1,
New Delhi. ... Respondents

(By Shri Madhav Panikar, Advocate)

ORDER (ORAL)

Shri Justice A. P. Ravani —

The grievance of the applicants is that they have not been placed in the higher grade of Rs.1640-2900 with effect from January 1, 1986 with consequential benefits while other employees

[Signature]

(9)

similarly situated and who were junior to them have been granted the same benefits pursuant to the judgment and order delivered by this Tribunal in O.A. No. 2241/91 decided on May 18, 1992. After the aforesaid judgment and order passed by this Tribunal, the applicants made representation to the appropriate authority of the respondents praying that the similar benefits be conferred upon them. However, the respondents did not grant the same to them saying that the applicants were not parties to O.A. No. 2241/91. Hence, this application praying for appropriate relief. There is no dispute on the facts that the applicants are similarly situated as the employees who were applicants in O.A. No. 2241/91. The only contention raised is that the applicants were not party to the aforesaid proceedings and they have come before the court after considerable delay. If the applicants are similarly situated as the applicants in O.A. No. 2241/91 and there is no other difference, it would not be proper for the respondents to deny the benefits to them solely on the ground that they did not approach this court earlier. Delay, if at all, hurts the applicants and not the respondents. There is nothing to show that the applicants are guilty of deliberate and willful negligence. ^{ME}
2. Having regard to over all facts and circumstances of the case, we are of the opinion that there is no justification in denying the benefits, which are otherwise available to the applicants, only on the ground of delay. Since the case of the applicants is covered by the decision of this Tribunal in O.A. No. 2241/91.

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O.A. No. 2241/91, no further elaborate discussion is necessary. On the point that the case is fully covered by the aforesaid decision, there is no dispute.

3. For the aforesaid reasons the application is allowed. The respondents are directed to place the applicants in the grade of Rs.1640-2900 with effect from January 1, 1986 with all consequential benefits, in the same terms and conditions as per the decision in O.A. No. 2241/91, decided on 18/1/1986.

4. The application stands disposed of accordingly with no order as to costs.


(K. Muthukumar)
Member (A)


(A. P. Ravani)
Chairman

/as/