

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA-2029/97

New Delhi this the 23rd day of May, 1998.

Hon'ble Sh. T.N. Bhat, Member(J)
Hon'ble Sh. S.P. Biswas, Member(A)

Sh. Lachhman Dass Pal,
R/o L-3, Civil Zone,
Subroto Park,
New Delhi-10.

.... Applicant

(through Sh. M.K. Gaur for Sh. U. Srivastava)

versus

1. Union of India through
the Secretary,
Ministry of Defence,
Govt. of India,
New Delhi.
2. The Chief of the Air Staff
Air Headquarters (Vayu Bhawan)
New Delhi.
3. The Air Officer Commanding,
Air Force Station, Palam,
Subroto Park, New Delhi-10. Respondents

(through Sh. R.V. Sinha - Not present even on second
call)

ORDER(ORAL)

Hon'ble Sh. T.N. Bhat, Member(J)

None appears for the respondents even on
second call. On the previous date of hearing also,
none appeared on their behalf. We have heard Sh.
M.K. Gaur as proxy counsel for Sh. U. Srivastava,
1d. counsel for the applicant ^{had earlier} _{who reported no}
instructions.

2 We have carefully gone through the
pleadings of the case and have perused the material
on record.

[Signature]

(8)

3. The applicant in this O.A. was initially appointed in the year 1963 on the post of Civil Equipment Assistant in the grade of Rs.110-180/- Subsequently, the post of Equipment Assistant was re-designated as clerk CD(U). The applicant was also given the benefit of the order of redesignation dated 8.7.65. The applicant alongwith other similarly placed persons who had initially been appointed as Equipment Assistants were brought on a common seniority list published in the year 1968. However, in the said seniority list only those Civilian Clerks and Equipment Assistants were included who fulfilled all the requisite qualifications for Clerk LD(U). The applicant claims seniority on the basis of his initial date of appointment and placed reliance on the decision of the Tribunal in Satya Narain Kaushik Vs. U.O.I. dated 29.2.96 (copy at Annexure A/3). We also find on the file another judgement wherein similar benefit has been given to one Sh. Mahesh Singh by a Bench headed by the Hon'ble Chairman on 23.7.97 in OA No. 1641/97.

4. It is now well-settled that to claim benefit of judgement one has to come within reasonable time after the passing of the judgement and his case cannot be dismissed on the ground of limitation. To support this view, we may refer to a copy of the judgement of Apex Court as at Annexure A/6 where also U.O.I. had refused to grant the benefit of the judgement to another similarly placed

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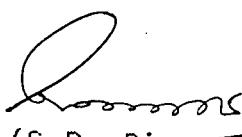
(9)

persons. The Apex Court held that since the claim of the appellant before the Apex Court was based upon an earlier decision of the Tribunal, it was difficult to appreciate the resistance on behalf of the respondents to grant benefit to the appellant and the rejection of the claim made in the T.A. setting aside the judgement/order of the Tribunal, the Hon'ble Supreme Court remitted the matter back to the Tribunal with the direction that the claim of the appellant in that case should be examined on merits as dismissal of the claim on the point of limitation was not justified.

5. As already mentioned, the claim of the applicant in the instant O.A. is exactly similar to the claim made by Sh. Satya Narain Kaushik in TA-43/91 decided on 15.2.96 as also the claim of Sh. Mahesh Singh in OA-1641/97. The claim of one Sh. S.K. Sharma in OA-1619/97 was also similar which was also allowed by the Tribunal.

6. For the forgoing reasons, this O.A. must be allowed. We accordingly allow the O.A. and direct the respondents to give to the applicant the benefit of the judgement as given to Sh. Satya Narain Kaushik in TA-43/91 and consequently fix the seniority of the applicant on the basis of his date of initial appointment as Equipment Assistant.

No costs.


(S.P. Biswas)
Member (A)

/vv/


(T.N. Bhat)
Member (J)