

Central Administrative Tribunal
Principal Bench
New Delhi

O.A. No. 2575/97

Decided on 20.4.99

Shri A.K. Ghosh

.... Applicant

(By Advocate: Shri C. Harishankar)

Versus

Union of India & Ors.

.... Respondent

(By Advocate: Shri Vinod proxy
counsel for Shri R.V. Sinha)

CORAM

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

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

1. To be referred to the Reporter or Not? YES
2. Whether to be circulated to other outlying benches of the Tribunal or not ? No.


(S.R. Adige)
Vice Chairman (A)

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Central Administrative Tribunal
Principal Bench

O.A. No. 2575 of 1997

New Delhi, dated this the 20th April, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

Shri A.K. Ghosh,
B-7, Flat No. 5085,
Vasant Kunj,
New Delhi-110070.

... Applicant

(By Advocate: Shri C. Harishankar)

Versus

1. Union of India through
the Secretary,
Ministry of Defence, South Block,
New Delhi.

2. Union of India through
the Secretary,
Dept. of Personnel & Training,
Ministry of Personnel, Public Grievances &
Pensions,
North Block,
New Delhi.

... Respondents

(By Advocate: Shri Vinod proxy counsel
for Shri R.V. Sinha)

O R D E R

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Heard.

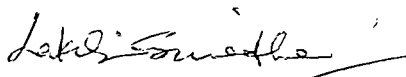
2. We are satisfied that the ratio of the Tribunal's order dated 4.5.90 in O.A. No. 115/88 C.L. Choudhury Vs. UOI & Ors. fully covers the facts and circumstances of the present case, and nothing has been shown to us to establish that the aforesaid order has not become final. Respondents' counsel cannot legitimately argue, as they have done in Para 5.1 of their reply to the O.A., that the aforesaid order was specific to Shri C.L. Choudhury, for if that argument ~~was~~ ^{was} allowed, it would be treating persons similarly placed dissimilarly,

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(2)

which itself would be discriminating and hence violative of Articles 14 & 16 of the Constitution. Applicant's claim is also supported by the Hon'ble Supreme Court's order in State of Himachal Pradesh Vs. Vijay Pal Singh (1997) 10 SCC 260.

3. Accordingly the O.A. succeeds and is allowed. The impugned orders dated 15.2.94 (Ann. A-1); dated 8.9.95 (Ann. A-2) as well as respondents' letter dated 26.8.97 (Ann. A-3) are quashed and set aside. Respondents are directed to pay applicant Rs. 8,000/- p.m. with admissible allowances for the period 1.2.94 to 30.9.95 and on that basis recalculate his retiral benefits and release the same to him after adjusting the sums already drawn, within three months from the date of receipt of a copy of this order. The prayer for interest is rejected as we do not find any deliberate and wanton delay on respondents' part in releasing the same, who appear to have been under the genuine impression that applicant was not entitled to the aforesaid claims. No costs.


(Mrs. Lakshmi Swaminathan)
Member (J)


(S.R. Adige)
Vice Chairman (A)

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