

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-33/94
with
OA-35/94

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New Delhi this the 15th day of October, 1997.

Hon'ble Smt. Lakshmi Swaminathan, Member(J)
Hon'ble Sh. S.P. Biswas, Member(J)

OA-33/94

1. Sh. Mahavir Singh,
S/o Sh. Mahinder Singh,
R/o V&P.O. Rajupur,
Bareilly.
2. Sh. Chaman Masih,
S/o Sh. Rehmat Masih,
R/o 604, Sadar Bazar.
3. Sh. Mahavir Prasad,
S/o Sh. Shahabuddin Ram,
R/o 1300, Near Gurdwara,
Bareilly.
4. Sh. B.D. Bharadwaj,
S/o late Sh. Keshavanand,
R/o Rang Colony, Bhartal. Applicants

(through Sh. S.S. Tewari, advocate)

versus

1. Union of India through
Director-General, Indian
Council of Agricultural
Research, Krishi Bhavan,
New Delhi.
2. Director, CARI,
IVRI Campus,
Izatnagar,
UP-243122. Respondents

(through Sh. V.K. Rao, advocate)

OA-35/94

1. Sh. M.M. Singh,
S/o late Sh. Jhamman Singh,
R/o 5/306, Civil Lines,
Choupla, Bareilly(UP)243001.
2. Sh. Ram Bhagwan Singh,
S/o late Sh. Shiv RAj Singh,
R/o 461-A, Guddar Bag,
Chahavay, Bareilly.

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3. Sh. Pooran Singh,
S/o late Sh. Girdhar Singh,
C/o Sh. Daulat Singh Bist,
R/o Bist Niwas, Indira Nagar,
Izatnagar, Bareilly.
 4. Sh. P.C. Pant,
S/o late Sh. Hari Dutt Pant,
R/o 295 AB/Block,
New Model Colony,
Izatnagar, Bareilly.
 5. Sh. Jagdish,
S/o Sh. Ram Dhun,
R/o 324, Civil Lines,
Choupla.
 6. Sh. Chhotely Lal,
S/o Sh. Sepahi Lal,
R/o 125, Sanjay Nagar,
P.O. Shyamatganj,
Bareilly.
 7. Sh. Rangeela Prasad,
S/o Sh. Shiv Nath Prasad,
C/o Sh. Ram Naresh Yadav,
R/o 527, Indira Nagar,
Izatnagar, Bareilly.
 8. Sh. Ram Krishan,
S/o Sh. Shiv Narain Lal,
R/o 530, Janakpuri 'B',
Avas Vikas, Izatnagar.
 9. Sh. Ram Nath,
S/o Sh. Bhikari Lal,
R/o Moh. Bir Bhatti.
 10. Sh. Komal Prasad,
S/o Sh. Chuni Lal,
R/o Vill. Dhakni,
Teh. Faridpur,
Bareilly.
 11. Sh. Ishwar Dutt Pandey,
S/o Sh. Reva Dhar Pandey,
R/o Lane No.7, Qr.No.1,
IVRI Campus.
 12. Sh. Ram Bahadur,
S/o late Sh. Mohan Lal,
R/o Vill. Bhagwanpur,
P.O. Faiznagar.
 13. Sh. Shri Pal Singh,
S/o Sh. Chunni Singh,
R/o Vill. Chaubari
P.O. Chaubari,
Distt. Bareilly.
 14. Sh. Sardar Pal Singh,
S/o late Sh. Munshi Singh,
R/o Chaubari P.O. Chaubari.
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15. Sh. Pyarey Lal,
S/o late Sh. Julla,
R/o Bungalow No.7,
Sarpantan Road,
Bareilly Cantt. Bareilly.

16. Sh. Hira la,
S/o Sh. Chunni Lal,
R/o Vill. Kachati,
P.O. Balipur.

.... Applicants

(through Sh. S.S. Tewari, advocate)

versus

1. Union of India,
through Director-General,
Indian Council of Agricultural
Research, Krishi Bhawan,
New Delhi.

2. Director, Central Avion Research
Institute, IVRI Campus,
Izatnagar, UP-243122.

.... Respondents

(through Sh. V.K. Rao, advocate)

ORDER(ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

We have heard the learned counsel for the applicants in OA-33/94 and OA-35/94. The learned counsel submit that the facts and issues involved in both these O.As are identical and, therefore, they are being disposed of by a common order.

2. We have perused the records and considered the submissions of the learned counsel for the parties.

3. The applicants have sought the following reliefs:-

(i) To direct the respondents to give the extension of the benefit of the Full Bench judgement rendered by the

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Ernakulam Bench of this Hon'ble Tribunal in the case of B. Ravindran Vs. Director General of Posts, New Delhi & Ors. (OA-3/89 with connected cases) decided on 13.3.90 which have been followed in the judgement of the Tribunal in the case of M. Shankara Panicker Vs. Director General, ICAR, New Delhi (OA-1839/91) decided on 1.7.92 and in the case of K.C. Baby Vs. P.V. Mohanan (OA-1841/91) decided on 20.7.92.

- (ii) To give consequential benefits to the applicants following re-fixation of their pay in accordance with the aforesaid judgements.

4. On perusal of the facts in the present O.As and the judgements of the Tribunal in the cases of M. Shankara Panicker and K.C. Baby (supra), we find that the facts are similar in so far as the re-employment of ex-servicemen are concerned. In these judgements of the Ernakulam Bench they have followed the Full Bench decision of the Tribunal in R. Ravindran and others (supra).

5. The respondents in their reply have merely stated that the decision of the Full Bench of the Tribunal is not applicable to the present case without

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giving any reasons. Further they have stated that even if the Full Bench decision is applicable in the facts and circumstances of the present cases, Union of India has filed a S.L.P. before the Hon'ble Supreme Court and the decision was awaited.

6. The learned counsel for the applicants has submitted that the Hon'ble Supreme Court has decided the appeal filed by the U.O.I. against the Full Bench decision in B. Ravindran's case on 8.11.96 which is reported in 1997 (1) SC SLJ P.240. In para-16 of the judgement, the Hon'ble Supreme Court has held that:-

"The Tribunal was, therefore, right in holding the said instructions in so far as it directed to take into consideration the ignorable part of the pension also while considering hardship invalid and without any authority of law."

The appeals were, therefore, dismissed by the Apex Court. The learned counsel submits that the respondents have also implemented the judgements of the Tribunal (Ernakulam Bench) in OA-1839/91 and OA-1841/91 dated 1.7.92 and 20.07.92.

7. In the facts and circumstances of the cases, these two O.As No.33/94 and 35/94 are allowed with the following directions:-

(A) Respondents to extend the same benefits to the applicants as have been given to other similarly

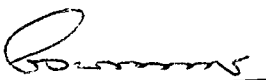
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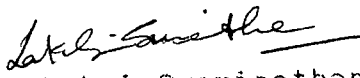
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situated persons by the judgement
of the Supreme Court in Director
General of Posts and others Vs. B.
Ravindran and another (supra) with
all consequential benefits.

- (B) The above action shall be taken up
by the respondents 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.


(S.P. Biswas)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)

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