

Central Administrative Tribunal
Principal Bench: New Delhi

(3)

OA No.115/89

New Delhi this the 9th Day of February, 1994.

Shri J.P. Sharma, Member (J)
Shri B.K. Singh, Member (A)

1. S.S. Kapoor s/o
Late Sh. Ram Lal Kapoor
2. G. Venkateswaran
S/o Late Sh.V.Ganapathi Iyer
3. Dr. M.Padmanabhan
s/o Sh.R.P. Mayuranathan
4. S.N. Narang
s/o Late Sh.B.D. Narang
5. Smt. Grace Majumdar
w/o Sh.A.G. Majumdar
6. B.B. Lal s/o
Late Sh. J.B. Lal

C/o : Shri M.R.
Bhardwaj, Advocate,
D-7, Hauz Khas,
New Delhi-110016.

...Applicants

(By Advocate Sh.M.R. Bhardwaj)

Versus

Union of India through
Secretary, Department of
Statistics, Ministry of
Planning, Sardar Patel
Bhawan, New Delhi.

...Respondents

(By Advocate Sh. P.P. Khurana)

ORDER (ORAL)

(Mr. J.P. Sharma, Member (J))

The above named applicants have jointly filed this application and they are in all respects similar to the applicants in TA.45/85 K.N.G.K. Sastry & others versus Union of India & others, and entitled to the same benefits which has been given to the applicants of that case vide judgement dated 21.5.1987. The applicants separately made representations to the respondents who have not furnished any reply. The present application has been filed in January, 1989

4

and the applicants have prayed for suitable directions to be issued to the respondents that the applicants should be allowed the benefits flowing from the judgement and orders dated 21st May, 1987 in T.A.45/85 as they are similarly circumstanced as the 13 applicants in the above proceedings.

2. The respondents in their reply have stated that the case of the applicants is similar to Shri S. S. Sachdeva, applicant of OA.No.1346/88 who has also been granted the benefits granted to 13 applicants CW 24/72 originally filed in Delhi High Court but subsequently transferred to Principal Bench, C.A.T. and numbered as T.A.45/85. In this application they have adopted the counter filed in the case of Shri S. S. Sachdeva versus U.N.I. and has annexed a copy of the same.

3. We have heard the learned counsel of the parties at length and perused the record of the case.

4. The learned counsel for the applicant has filed the judgement in the case of OA.1346/88 Shri S.S.Sachdeva versus U.I.B. decided on 8th October, 1993. In that case, the applicants has claimed the same relief as was claimed in TA.45/85. That OA has been disposed of by the Tribunal with the following directions:-

Contd...3

lc

3

- "(1) The petitioner shall be accorded the same benefits which were accorded to the petitioners in TA 45/85.
- (2) In the event of the Supreme Court reversing or modifying the judgement of the Tribunal the petitioner shall be liable to refund the monetary benefits that he would have secured in pursuance of these directions.
- (3) The monetary benefits to which the petitioner would become entitled to in pursuance of these directions, shall be determined and paid to him within a period of four months on his furnishing adequate security to the satisfaction of the respondents. It is needless to clarify that the security that is contemplated is not necessarily the security by way of bank guarantee. Any other satisfactory security should be accepted."

5. We fully subscribe ^{to} the view taken by the Division Bench and held that the applicants are entitled to the same benefits which flows from the decision of the judgement in TA.45/85. However, it is made clear that the matter is pending before the Hon'ble Supreme Court and the said judgement of TA.45/85 if reversed or modified by the Hon'ble Supreme Court, then the applicants shall be liable to abide by the same and ^{their Estates with} would be liable themselves or their legal representatives to refund the monetary benefits that have been secured to them in pursuance of the compliance of the judgement of TA.45/85.

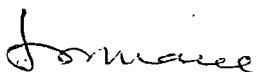
6. In view of the facts and circumstances, the respondents are directed to dispose of the representations of the applicants in line with the aforesaid directions

(6)

given in the judgement in QA.No.1345 dated 8.10.93
Shri S. S. Sachdev versus U.O.I. It is made clear
that if any monetary benefits to which the applicant
become entitled in pursuance of aforesaid judgement,
than the same be paid to the applicants ^{as said above.} The
respondents are directed to dispose of the representations
of the applicants within 4 months with the liberty to
take security in any manner considering expediency
other than bank guarantee.

Cost on partis.


(B. K. Singh)
Member (A)


(J. P. Sharma)
Member (J)

dbc