

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 444/89

New Delhi the 10th Day of February 1994

Shri Nand Kishore Bhatnagar,
ISS (Retd) Son of Shri R.S. Bhatnagar,
R/o C-156 Sarvodya Enclave,
New Delhi-110 017-

... Applicant

(By Advocate : Shri M.R. Bharadwaj)

Versus

Union of India,
through the Secretary,
Department of Statistics,
Ministry of Planning,
Sardar Patel Bhawan,
New Delhi-110 001.

... Respondents

(By Advocate : Shri P.P. Khurana)

ORDER

Hon'ble Mr. J.P. Sharma, Member (J)

The applicant since retired on attaining the age of superannuation on 31.1.1987 from the Indian Statistical Service to which he was appointed to Grade IV with effect from 15.2.1964 and promoted subsequently to Grade III and Grade II in the normal course with effect from September, 1967 and 30.6.1981 respectively. The grievance of the applicant is that the respondents by the order dated 7.5.1988 (Annexure A1) reviewed the seniority and promotion of certain members of the Indian Statistical Service on the basis of the judgement of the Tribunal in TA No. 45/85 dated 27.5.1987 but the applicant has been denied similar benefits flowing from the judgement to the applicant on the ground that he was not a party to the proceedings in spite of the fact that he is similarly circumstanced as the petitioners in TA No. 45/85.


2. The applicant has prayed for the grant of the relief that a direction be issued to the respondents that the applicant should be allowed the same benefit flowing from the judgement and orders dated 21.5.1987 passed in TA 45/85.

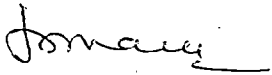
3. A notice was issued to the respondents who have admitted in their reply that the applicant is similarly situated and circumstanced as the petitioners in the case of TA 45/85 (Earlier CW 24/72) of Delhi High Court Shri K.N. G.K. Shastri and others Vs. Union of India and Ors. This judgement was delivered by Central Administrative Tribunal, Principal Bench on 21.5.1987. Thereafter Shri S.S. Sachdeva filed O.A. No. 1346/88 and Shri S.S. Kapoor and ors. filed O.A. No. 115/89. The respondents have, therefore, adopted the counter filed in O.A. No. 1346/88.

4. We have heard the learned counsel for the parties at length and perused the judgement in O.A. No. 1346/88 decided by the Principal Bench on 8.10.1993. The O.A. No. 115/84 has also been decided on 10.2.1984. The case of the applicant is similar. In view of this since we agree with the findings given in OA No. 1346/88 which is based on the decision of the Tribunal in TA No. 45/85 the present case is also decided with the same direction.

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. The Original Application is disposed of accordingly.
No costs.


(B.K. Singh)
Member(A)


(J.P. Sharma)
Member(J)

Mittal