

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1305
T.A. No.

1988

DATE OF DECISION 7.12.1989.

Shri Raj Kumar Trehan

Applicant (s)

Shri Sant Lal

Advocate for the Applicant (s)

Versus

Union of India & Ors

Respondent (s)

Smt. Raj Kumari Chopra

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. B.C. MATHUR, VICE CHAIRMAN

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT

The short point in this case is that the applicant claims that he is senior to his colleagues mentioned in Annexure A-1 of the application, who have already been allowed arrears of salary w.e.f. 1.10.1968 by the respondents and a similar decision was taken in the case of Shri Kishori Lal Baboota mentioned at Sr. No. 12 of Annexure A-1, decided by this Tribunal on 20.1.1989. It has been stated by the learned counsel for the applicant that Shri Baboota has been given all the arrears by the respondents w.e.f. 1.10.1968 in November, 1988 and it will be discriminatory if a senior person affected by the same order under the same circumstances is not given up the same relief.

2. The learned counsel for the respondents raised a objection on the ground of limitation and secondly she cited

a case of Prahalad Singh Vs. Union of India & Others

(Judgements today-1989-(2)-SC-270) where the Supreme Court

has not yet accepted the principle that a judgement in a

particular case will automatically apply to others who were

not party to that case and the matter has been referred to the

Larger Bench for a consideration and on that account no relief

was granted to Shri Prahalad Singh. In view of this we may

not consider the judgement of this Tribunal in A.K. Khanna Vs.

Union of India & Ors. referred to in the judgement of Shri

Kishori Lal Baboota. The fact, however, remain that the respondents

have paid the arrears of salary to the persons junior to the

applicant w.e.f. 1.10.1968 and it would amount to discrimination

if the same relief is not provided to the senior person, effected

by the same order dated 15.3.1985 of the P.M.G., Delhi Circle,

New Delhi, viz Memo No. Staff/E-20-VIII/Pt (Annexure A-1 to the

application).

3. In view of the above, the application is allowed and it

is directed that the respondents may make the payment of the arrears

of salary due to the applicant w.e.f. 1.10.1968 within a period of

three months from the date of receipt of this order. There will be

no order as to costs.

B.C. Mathur
(B.C. MATHUR)
VICE CHAIRMAN