IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.

* * *

Date of Decision: 02.12.92

1. OA 2156/91

S.K. MULCHANDANI & ORS VS. UNION OF INDIA

2. OA 2161/91

D.K. PAUL & ORS VS. UNION OF INDIA

3. OA 2163/91

P.N. JAIN & ORS VS. UNION OF INDIA

4. OA 2412/91

A.K. BANDLA VS. UNION OF INDIA

A.L. BATHLA and others substituted vide Court's order dated 15.3.92 passed in M.P. 329/93

5. OA 2623/91

K.L. BHATIA & ORS VS. UNION OF INDIA

6. OA 196/92

T.D. BAGGA & ORS VS. UNION OF INDIA

7. OA 364/92

R.L. SHARMA & ORS VS. UNION OF INDIA

8. OA 365/92

S.L. KHURANA & ORS VS. UNION OF INDIA

CORAM:

THE HON'BLE SHRI P.C. JAIN, MEMBER (A).
THE HON'BLE SHRI J.P. SHARMA, MEMBER (J).

For the Applicants .... SHRI D.R. GUPTA.

For the Respondents ... SHRI A.K. TIWARI, proxy counsel for SHRI P.P. KHURANA.

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE SHRI P.C. JAIN, MEMBER (A).)

In all these OAs, the question involved is of extending the benefit of the judgement of the Tribunal in OA

Contd..2.

1599/87, Daljit Kumar & Anr. Vs. UOI & Anr., and six other related OAs, which were disposed of by the judgement dated 7.6.91, to the applicants in these cases. The operative portion of the judgement dated 7.6.91 (supra) is extracted as below:-

> "13. In view of the various judgements passed by this Tribunal in accordance with the spirit of the judgement given by the Hon'ble High Court of Allahabad as upheld by the Hon'ble Supreme Court of India inthe case of Shri Parmanand Lal and Shri Brij Mohan, we direct that the benefits of the said judgement be extended to the applicants herein also and they shall be deemed to have been promoted with effect from the date prior to a date of promotion of any person who passed the departmental examination subsequent to the applicants and their seniority be revised in TES Group-B cadre. They shall also be entitled to refixation of their pay with effect from the said date. This order shall be implemented within a period of three months from the date a copy of this order is received by the respondents. There shall, however, be no order as to costs."

2. Special Leave Petitions were filed by the respondents in the Supreme Court of India, which were dismissed by an order passed by the Hon'ble Supreme Court on 6.1.92.

3. Notices were directed to be issued on admission as well as on interim relief but the respondents have not filed any reply though a period of nearly one year has passed and a number of adjournments were allowed for the purpose. The learned proxy counsel for the respondents submits that reply has not been filed so far.

4. We have heard the learned counsel for the applicants

Contd..3.

and also the learned proxy counsel for the respondents in all these cases. Apart from relying upon the judgement of the Tribunal dated 7.6.91 and the orders of the Hon'ble Supreme Court dated 6.1.92, the learned counsel for the applicants also placed before us a copy of the order passed on 18.11.92 by Court No.3 of the Principal Bench of the Central Administrative Tribunal in OA 444/92, B.P. Singh & Ors. vs. UOI & Ors. This judgement (oral) is as below:-

> "Both are heard. The learned counsel for the respondents said that they were implementing the orders given in the judgement in OA 1599/87 (Daljit Kumar & Anr. Vs. UOI & Anr.) and the said related OAs. They agreed to extent the benefits to the applicants also provided they are similarly situated.
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> In view of the above, the application is disposed of finally. The parties to hear their own costs."

5. In view of the aforesaid judgement in OA 444/92, the learned proxy counsel for the respondents submits that similar orders could be passed in these cases as well, particularly because the counsel for the respondents in OA 444/92 and the counsel for the respondents in all these cases is the same. In the light of the foregoing, these OAs are disposed of with the direction that the applicants, in these OAs, may also be considered by the respondents for giving benefits due to them as per the judgement dated 7.6.91 in the case of Daljit Kumar & Anr. Vs. UOI & Anr. (supra) if the applicants herein are similarly placed and are entitled to the same benefits as per the judgement.

Contd. 4

6. In the facts and circumstances of the case, we leave the parties to bear thier own costs.

7. A copy of this order shall be placed on the file of each of these OAs.

(J.P. SHARMA)
MEMBER (J)
02.12.92

(P.C. JAIN)
MEMBER (A)
02.12.92

Note: The names/title of parties substituted as per DB order dated 20.7.1993 which forms part of this judgement

28/7/93
(J-I)

प्रमाणित प्रतिलिपि
Certified True COPY
Date.....

अनुभाग अधिकारी (न्या०-I)
Section Officer (J-I)
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