Central Administrative Tribunal, Principal Bench

O.A. No. 579/2004
With
OA No. 984/2004

New Delhi this the 20th of September, 2005

Hon'ble Mr. Justice M.A. Khan, Vice Chairman (J)
Hon'ble Mr. M.K. Mishra, Member (A)

1. V.K. Saldhi
S/o Shri C.D. Saldhi
R/o E-62, Moti Nagar,
New Delhi.

2. M.C. Sharma
S/o Shri K.R. Sharma
R/o D-4, Ganga Vihar,
Delhi.

3. Anil Verma
S/o Late Shri S.B. Verma
R/o 9-K, Vasant Vihar,
New Dlehi.

4. Shri T.K. Attri
S/o Late Shri Rulia Ram
R/o G/239 Gali No.16,
Viswas Park,
Uttam Nagar,
New Delhi.

5. Mohan Lal
S/o Late Shri Sewa Ram
R/o RZ-99 Santosh Park,
Uttam Nagar,
New Delhi.

6. Pargat Singh
S/o Late Shri A. Singh
R/o 41, FF, Amrit Nagar,
New Delhi.

7. M.C. Govila
S/o Late Shri H.P. Govila
R/o D-110, Krishna Park,
Devli Road,
Khanpur,
New Delhi.

8. Surinder Pal
S/o Late Shri Sadhu Ram
R/o B-43, Sis Ram Park,
Uttam Nagar,
New Delhi.

9. Smt. Daya Malik
W/o Shri S.L. Malik
R/o Road No.5, Khoti No.3,
East Punjabi Bagh,
New Delhi.

10. Shiv Kumar
S/o Late Shri M.R. Mahajan
R/o 648, Sector-1, R.K. Puram,
New Delhi.

11. U.R. Mahajan
S/o Late Shri M.R. Mahajan
R/o 711, Vikas Kunj,
New Delhi.

12. M.L. Tandon
S/o Late Shri B. Tandon
D-1/128 Janak Puri,
New Delhi.

13. K.L. Khetarpal
S/o Late B.R. Kheterpal
2694, Dr. Mukerjee Nagar,
New Delhi.

14. M.S. Jain
S/o Late Shri D.C. Jain
R/o 7/B, Gali No.15,
Laxmi Nagar, New Delhi.

15. N.C. Rai
S/o Late Shri Amar Singh
R/o C-2/11, Sector 15,
Rohini, New Delhi.

16. Anmol Singh
S/o Late Shri H. Singh
R/o 523 Sector-7,
R.K. Puram,
New Delhi. ..Applicants

By Advocate: Shri P.P. Khurana, Sr. Counsel with Mrs. Seema Pandey.

OA No. 984/2004

1. B.N. Sharma
S/o Shri P.D. Kaushik
R/o G-1-935, Sarojni Nagar,
New Delhi-110 023.

2. R.S. Mongia
S/o Shri Lal Chand Mongia
R/o 19 Promise Apartment
Vikas Puri,
New Delhi.

3. J.J.K. Jain
S/o Shri S.S. Lall
R/o C-135 Ashoka Enclave-2,
Sector-37, Faridabad.

4. V.K. Jain
S/o Shri J.P. Jain
R/o BD-114, Janak Puri,
New Delhi.

5. A.S. Manchanda
S/o Shri K.S. Manchanda
R/o 3377/1 II-F Crischan Colony,
Karol Bagh,
New Delhi-110 005.

6. Smt. R.R. Pushkarna
W/o Shri Y.R. Pushkarna
R/o A-3/239, Paschim Vihar, New Delhi.

7. Smt. Sharda Pandhi
W/o Shri S.K. Pandhi
R/o B-6//44/1 Safdarjung Enclave,
New Delhi-110 029.

8. Mohinder Singh
S/o Late Shri Ram Swarup
R/o Village and P.O. Shahbad Mohammadpur
New Delhi.

9. K.R. Joshi
S/o Shri B.R. Joshi
R/o 202, Krishna Apartments,
Sector-9, Plot 13, Dwarka, New Delhi. ....Applicants

By Advocate: Mrs. Madhu Tewatia.

Versus

1. Union of India
Through the Secretary,
Ministry of Defence,
South Block,
New Delhi.

2. JS (Trg.) and CAO
Ministry of Defence,
C-II, Hutments,
New Delhi. ...Respondents

By Advocate: Mrs. Avnish Kaur, Counsel in OA 579/2004.

Mrs. Harvinder Oberoi, Counsel in OA 984/2004

ORDER

Hon'ble Mr. Justice M.A. Khan, Vice Chairman (J)

By this order will be deciding two OAs as the common questions of fact and law are involved in these cases.

2. The applicants by these OAs are seeking quashing of the letter dated 30.7.2003 whereby their representation for extending the benefit of the order of the Tribunal in OA Nos. 351/1999 and 1218/2002 filed by R.K. Pareek and Others Vs. U.O.I., OA 1325/1998 filed by Chandu Lal and Others Vs. U.O.I. and Others, OA No. 337/2002 filed

by Shri Vijay Kumar and others were rejected on the short ground that as per the view of the Ministry of Defence (Finance) and Ministry of Finance, Department of Expenditure, the benefit of the various judgments ought to be restricted to the applicants only. The applicant in OA 579/2004 further seek a direction to the respondents to grant them the pay scale of Rs.2000-3200 with effect from 1.1.1986 and to pay the arrears with interest at the rate of 18% per annum. The applicants in OA No.984/2004 further seek a direction to the respondents to place them in the revised pay scale of the post of Programmer w.e.f. 1.1.1986 in terms of the order of the Tribunal dated 18.12.2003 in OA 553/2003 and in the case of R.K. Pareek and Others (P.11).

3. Briefly, the allegations in the OA No. 579/2004 are that these 16 applicants were working on different EDP posts under Ministry of Defence, detail of which has been given in Annexure A-2. As per this table, some of them were holding the post of DPA-B, others were working on the post of DEO-D and yet some others were holding the post of Programmer. As many as 10 of them have retired. The committee known as Seshadari Committee reviewed the pay scales of about 4000 posts of EDP staff spread over 21 Ministries/Departments having 14 different pay scales and made certain recommendations. The government accepted the report and implemented it with effect from 11.9.1989. By subsequent OMs dated 12.1.1990, the revised pay scales were granted with effect from 11.9.1989 irrespective of the date of notification issued by the various Ministries/Departments. As a result, the Ministry of Defence issued the pay revision order dated 8.1.1991 placing Statistical Investigator, Programmer Assistants, Programme Assistant Air HQ and DDE Senior Supervisor (Civilian) Air HQ in the revised pay scale Rs.2000-3200 with revised designation of DPA-B with effect from 11.9.1989. Pursuant to the order of the Tribunal in OA 351/1999, the revised pay scale was given effect to from 1.1.1986 and the order has attained finality after the Review Application and the CWP filed challenging it were dismissed. But instead of placing them in the pay scale of Rs.1350-22000 with effect from 1.1.1986 DPA-B Air Headquarters, the respondents placed the applicants of OA 351/1999 in the scale of Rs.1150-1500. This action was again challenged in OA No. 1218/2002 which was filed by 50 applicants and was titled Rajinder Kumar Pareek and Others Vs. Union of India. The Tribunal by order dated 14.2.2003 while allowing the OA directed the respondents to

place the applicants in the revised scale of pay of Rs.1350-2200 with effect from 1.1.1986 with consequential benefits. In the meantime in pursuance of OM dated 6.12.1994, six persons were placed with effect from 14.10.1994 in the grade of DPA-B in the pay scale of Rs.2000-3200 from the grade of DEO-D vide order dated 21.2.1997. 16 DPA-B/Programme Assistants in the pay scale of Rs.2000-3200 were placed as Programmer in the pay scale of Rs.2375-3500 vide letter dated 10.1.1997 but in their case a higher scale was granted with effect from 11.9.1989. The order dated 21.2.1997 whereby six persons were placed in the grade of DPA-B was challenged in OA No.2520/1997 titled Jagpal Singh Vs. Union of India and Others. It was allowed and the respondents were directed to consider the claim of the applicants in the light of the observations in OA 1243/1997 (Hiramani Semwal and Others Vs. U.O.I. & Another). By order dated 17.3.1999 the aforementioned six persons were reverted and a DPC was convened in March, 1999 for consideration of DEO-D for promotion to the grade of DPA-B in the pay scale of Rs.2000-3200 in accordance with 1991 recruitment rules. Pursuant to the recommendation of the DPC, 7 persons were promoted as DPA-B vide order dated 13.3.1999. They were promoted and not given placement as per recruitment rules of 1991. Thereafter OA No.725/1997 was filed assailing the order dated 10.1.1997 by which the benefit of pay scale of Rs.2375-3500 in the grade of Programmer was given to 16 DPA-B/Programme Assistant. The Tribunal disposed off the OA and directed the respondents to reconsider the question of giving same benefit to the applicants as was given to their juniors in accordance with the order passed in December, 1994, i.e., on the basis of the placement order dated 10.1.1997. The respondents thereafter placed 16 Statistical Investigator/Programme Assistant as Programmer who were in service on 11.9.1989 without stipulation of the qualification. Another OA being OA No.1741/1997 was filed by the persons holding the rank of DPA-B/Programme Assistant/Statistical Investigator who were not granted the pay scale of Rs.2375-3500 by applying revised educational qualifications without amending the recruitment rules. The orders dated 10.1.1997 and 8.10.1997 were quashed by the Tribunal in the OAs and the respondent was directed to grant revised scale of pay of Rs.2375-3500 to all the applicants in the OA. The Writ Petition filed challenging the said order was dismissed on 10.2.2002. The respondents granted the pay scale of Rs.2375-3500 to all the DPA-B who were in the pay

scale of Rs.2000-3200 as on 6.12.1994 with effect from 11.9.1989. The grievance of the applicants is that they have not been placed as DPA-B with effect from 11.9.1989 and that their placement should have been given effect to with effect from 1.1.1986 instead of 11.19.1989. The action of the respondents in rejecting their representation is arbitrary and irrational. Hence the OA.

4. The respondents contested the OA and refuted the claim of the applicants. According to them based on the recommendations of the Sheshagiri Committee, the EDP cadres of the Ministries/Departments were restructured and revised pay scales were given with effect from 11.9.1989 as per letter dated 8.1.1991. On the basis of this letter erstwhile Programme Assistant and Statistical Investigator were placed as DPA-B. Recruitment Rules for DPA-B came into effect vide SRO 140 dated 1.8.1994. 11 DEO-D were promoted as per these rules to the post of DPA-B with effect from 4.10.1994. EDP cadre in this department was further restructured with revised pay scale from 6.12.1994. Only 6 Statistical Assistants (DEO-D) were found eligible for placement in the grade of DPA-B and they were given placement with effect from 11.9.1989. 11 senior-most existing DEO-D's who were in DPA-B with effect from 4.10.1994 as they were promoted as DPA-B from that date. On the basis of the recommendation of DPC, six Statistical Assistants aforesaid were eligible for promotion as DPA-B were placed in that grade with effect from 4.10.1994 below the existing junior most DPA-B vide letter dated 21.2.1997. Shri Jagpal Singh and Other Statistical Assistants who were senior to those placed as DPA-B could not be placed in that grade due to lack of educational qualification. They filed OA 2520/1997 for placement in the grade of DPA-B which had already been granted to their juniors. The Tribunal disposed off the OA directing the respondents to consider their claim in the light of the observation in OA 1243/1997 and grant consequential benefits. In the case of Hiramani Semwal and Others (Supra) the Tribunal had directed the respondents to consider the case of the applicants in terms of the existing recruitment rules and in the light of the observation made in the order. Accordingly, after due consideration the placement letter dated 21.2.1997 was cancelled by letter dated 17.3.1999. A DPC was constituted and 7 persons were promoted as DPA-B vide letter dated 31.3.1989. Against the order dated 17.3.1999 canceling the previous placement order OA 1816/1999 was filed before the Tribunal. The Tribunal quashed the

order of cancellation dated 17.3.1999 and directed the respondent to dispose off the matter after providing a hearing to the applicants. Thereafter the respondents by order dated 8.2.2001 decided to revert the applicants from 17.3.1999 without effecting recovery from them. This order was challenged in OA 740/2002 titled M.C. Sharma and Others Vs. U.O.I. & Others. The Tribunal disposed off of the OA observing that the respondents had reverted the applicant after issuing show cause notice in implementation of the directions of the Tribunal and without effecting any recovery from them and the applicants were also considered and three of them got promotion. The respondents in their counter further stated that applicants herein were not similarly placed as the applicants in O 1218/2002 R.K. Pareek and Others because while applicants Shri R.K. Pareek and Others were placed in the pay sale of Rs.1350-2200 with effect from 11.9.1989 but this was antedated to 1.1.1986 pursuant to the order of the Tribunal, the applicant in the present OA have not been placed in the grade of DPA-B with effect from 11.9.1989 based on revision of EDP scale with effect from 11.9.1989 on the basis of the recruitment rules as per the direction given in OA 2520/1997 titled Shri Jagpal Singh and Others. The question of ante-dating any such promotion to 1.1.1986 did not arise as the benefit of promotion accrue from the date of assumption of charge on the promotional post. Other allegations have also been denied.

5. In OA 984/2004 the allegations, briefly stated, are that these 9 applicants were appointed as Programme Assistants (DMIS) in DMIS-Programming Stream in EDP (Electronic Data Processing) Programming Stream (Civilian) in the Ministry of Defence. After the recruitment rules were notified, they were regularized in the service on 3.12.1985. Pursuant to the suggestion of the 4th Pay Commission, the respondents re-organised the existing EDP post and prescribed uniform pay scale and designation. Inter alia, four posts of Data Processing Assistant Grade 'A' and Data Processing Assistant Grade 'B' and Programmer and Senior Programmer posts were designated. DPA Grade-A was entry grade and DPA Grade-B was promotional grade. Programmer was direct entry for Degree Holders from DPA Grade-A. Senior Programmer was promotional grade. On 21.2.1990 with respect to the rationalization of the pay scale of existing EDP post, it was decided that Programme Assistants DMIS for placement in the pay scale of Rs.2375-3500 and for absorption of eligible Statistical Investigators as Programme

Assistant in DMIs etc. On 8.1.1991 the pay scale of EDP post in the Ministry of Defence in different grades was revised and the post was redesignated. The existing Statistical Investigators were redesignated as DPA'B' AFHQ/ISOs and Programme Assistants including the applicants were redesignated as DPA 'B' DMIS in the pay scale of Rs.2000-3200 with effect from 11.9.1989. On 6.12.1994, GI orders were issued incorporating the revision of pay scale/redesignation of the existing EDP posts and the Programme Assistants were redesignated as Programmers in the revised scale of Rs.2375-3500 with effect from 11.9.1989. GI orders also envisaged that the Programme Assistants who did not possess the requisite qualification of the post would be placed in the scale of Rs.2000-3200. As such, different scales were given based on the qualification. On 10.1.1997 the pay scale of EDP post was revised and the applicants/Programme Assistants were redesignated as Programmers in the revised scale of Rs.2375-3500 with effect from 1989 as per order dated 6.12.1994. The Government issued order dated 10.1.1997 implementing the GI orders dated 6.12.1994 in terms whereof all juniors to the applicants were given the benefit of the revised pay sale of Rs.2375-3500 with effect from 1989 on the basis of the qualification. The applicants filed OA No. 725/1997 on 21.3.1997 which was decided on 23.5.1997 holding that once the rules had been applied to the juniors five years retrospectively, the requirement of Master's Degree could be insisted only for the new entrants who entered the service after 1994. The Tribunal directed the respondents to reconsider the question. Pursuant to the order of the Tribunal, the Government by order dated 8.10.1997 redesignated/revised the pay sale of Programmers only to some of the Progaramme Assistants and not to all the Programme Assistants although all of them were similarly situated persons. The issue was again raised in OA 1741/1997 wherein the Tribunal by order dated 13.10.1998 directed the grant of revision of scale of pay to all the Programme Assistants. The applicants' Review Application for granting the pay scale with retrospective effect, i.e., w.e.f. 1.1.1986 was rejected holding that no such issue was raised and it remained undecided. The respondents also filed a Writ Petition in the High Court assailing the order of the Tribunal on the ground that placement of Programme Assistants had to be in accordance with the vacancy position. The Division Bench of the Hon'ble High Court held that the creation of a specific number of posts for the revised/redesignated category

became irrelevant once all the incumbents of a particular pre-revised designation became entitled to the revised designation/pay scale irrespective of the qualification stipulated in the placement order. The respondents were bound to give the redesignated post and scale of Programmer, i.e, Rs.2375-3500 with effect from 1.1.1986 to all the applicants since the post of Programme Assistant was not a newly created or promotional post, but the respondent in violation of the order of the Hon'ble High Court first redesiganted the applicants as DPA-B thereby demoting them and then giving them promotion to the post/grade of Programmer. The applicants made representation pointing out the contravention of the order of the Hon'ble High Court dated 10.1.2002. The respondent thereafter issued corrigendum dated 23.9.2002 and 22.5.2003 deleting the word promotion from the subject/heading of the order maintaining the redesignation as DPA-B. The applicants submitted representation and claimed pay fixation in the revised category of Programmers with effect from 1.1.1986 and also sought modification of the orders dated 29.5.2002 and 23.9.2002. The respondents by order dated 30.7.2003 have turned down the request of the applicants and all other employees of the various cadres of the Ministry of Defence by a common order covering all the representations that have been received by the respondents, which is impugned in the present OA. The order of the respondent has not taken into account the decision of the Tribunal in OA 553/2003, R.K. Sharma and Others Vs. U.O.I. and Another, R.K. Pareek and Others Vs. U.O.I., S.C. Saini and Others Vs. U.O.I. (OA 3316/2001).

6. The respondents in their counter reply repudiated the claim of the applicants. The respondents, inter alia, stated that in accordance with the report of Sheshagiri Committee, the EDP cadre was rationalized and recommendations implemented with effect from 11.9.1989 irrespective of the date of the issue of the rationalization letter in various Ministries/Departments. In the Ministry of Defence EDP cadre was rationalized vide letter dated 8.1.1991, Statistical Investigators AFHQ/ISOs earlier in the pay sale of Rs.1640-2900 were placed as DPA'B', AFHQ/ISOs in the pay scale of Rs.2000-3200 and the Programme Assistants, DMIS who were in the scale of Rs.1640-2900 were placed as DPA 'B', DMIS in the scale of Rs.2000-3200. EDP cadre was further rationalized by order dated 6.12.1994 and the Statistical Investigator, AFHQ/ISOs and Programme Assistants, DMIS were to be placed as Programmers in the scale of Rs.2375-

3500 subject to fulfilling all the educational qualification prescribed. 10 posts of Programmer were authorized as Programmer AFHQ/ISOs and six posts of Programmer were authorized as Programmer DMIS. 13 DPA 'B' AFHQ/ISOs were found eligible for placement in the grade of Programmer. As only 10 posts were authorized in AFHQ/ISOs, 10 were placed as Programmer AFHQ/ISOs. Four DPA 'B' DMIS were found eligible for placement in the grade of Programmer so four DPA-B DMIS were placed as Programmer. As such, against the posts of 16 Programmers, 14 officers were placed in the grade of Programmer by letter dated 10.1.1997. Some of the Senior DPA 'B' who could not be placed in the grade of Programmer due to lack of educational qualification filed OA 725/1997 titled B.N. Sharma and Others Vs. U.O.I. against and placement of their juniors in the grade of Programmer and the Tribunal by order dated 23.5.1997 directed the respondents to pass appropriate order after reconsidering the entire case. Pursuant to the orders passed by the Tribunal, respondents issued an order dated 24.7.1997 giving effect to the placement of Statistical Investigator and Programme Assistant retrospectively from the date of the issue, i.e., 10.01.1997. The applicants thereafter filed OA 1741/1997 against the order dated 24.7.1997.

7. During the course of hearing of the abovesaid OA the Tribunal observed that qualification of Master's Degree could not be insisted upon for placement in the grade of Programmer and the applicants who were erstwhile Programme Assistants were only eligible against six vacancies for placement in the grade of Programmer and while remaining 10 posts of Programmer were to be filled from amongst the erstwhile Statistical Investigators. Pursuant to this observation, the respondents reconsidered the matter and issued orders dated 8.10.1997 whereby 10 senior-most DPA'B' AFHQ/ISOs and six DPA 'B', DMIS were placed as Programmer. By order dated 13.10.1998 passed in OA 1741/1997 the Tribunal directed the respondents to consider revision of pay scale of Programmers, i.e., Rs.2000-3200 to all the applicants and issue appropriate orders in respect of the incumbents of these posts of Programme Assistants redesignated earlier as DPAs and Statistical Investigators in the light of the observations made in the order. The respondent filed a CWP 1212/1999 which was decided on 10.1.2002. It was observed therein that those who were similarly situated on 6.12.1994 were bound to be treated equally and discrimination could not be made between them. So all the Statistical

Investigator/Prgroamme Assistant/DPA 'B' existing on 6.12.1994 were placed in the scale of Programmer vide order dated 29.5.2002 as amended by letter dated 22.5.2003. In the meantime several OAs were filed like OA 351/1999 (R.K. Pareek and Others), OA No. 1325/1998 (Chandu Lal and Others) and OA 337/2002.(Vijay Kumar and Others). The applicants in these OAs had asked for grant of revised EDP scales w.e.f. 1.1.1986. Revised pay scale was granted to them with effect from 11.9.1989, as per the rationalisation letters dated 8.1.1991 and 6.12.1994. These OAs were allowed and all the applicants were granted the benefit of the revised scales with effect from 1.1.1986. R.K. Pareek and Others filed another OA 1218/2002 for grant of revised pay scale of Rs.1350-2200 with effect from 1.1.1996 in place of the scale of Rs.1150-1500. The OAs were allowed and they were granted the revised scale of Rs.1350-2200 vide order dated 16.7.2003. In the present OA the applicants have impugned the order dated 30.7.2003 raising issues which were not dealt with in the said order. The respondents also raised an objection that the applicants besides seeking revision of pay sale with effect from 1.1.1986 also seek non-grant of EDP Stream to erstwhile Statistical Investigator cadre. The applicants as such are claiming plural remedies which are based on a single cause of action which are in contravention of Rule 10 of the CCS (Procedure) Rules 1987 so the OA may be dismissed. Others allegations have also been denied.

8. In the rejoinder the applicants have reiterated their own case.

9. We have heard the learned counsel for the parties and have given due consideration to the submissions made.

10. Applicants have impugned Annexure A-1 whereby their representations have been rejected on the sole ground that as per the observation of the nodal Ministry of Defence (Finance), Ministry of Finance, Department of Expenditure, the benefit of the orders of this Tribunal in OAs No.351/199 and 1218/2002, 1325/1998 and 337/2002 is to be restricted to the applicants only.

11. Learned counsel for the respondents have raised a preliminary objection that the applicants should have first exhausted the remedies available by making representation against the order dated 30.7.2003 which is general in nature. According to them the applicants in their representation had not agitated the questions which are now sought to be raised in the present OAs. It was also pointed out that the reliefs as claimed in the OAs

30

are not properly worded. According to the respondents, the order of the Hon'ble High Court has been fully implemented and the relief has been granted to the applicants.

12. The main contention of the respondents in the present OA is that whereas the applicants have been promoted under the existing recruitment rules, the applicants in the case of R.K. Pareek and Others were given placement in DPA-B's scale in 1994, firstly from 11.9.1989 which in accordance with the order of the Tribunal was antedated to 1.1.1986. It is submitted that it distinguishes the case of the applicant with those applicants. But this is not the reason given in the letter dated 30.7.2003, Annexure A-1. The letter does not show that merit of the individual case of the representationist was considered and the appropriate relief in the light of the order of the Tribunal referred to in this letter was granted or declined. The applicants herein do not appear to be forming homogeneous group, some are in DPA-B group, some other in DEO group and some when retired had been working on the promoted post of Programmer and even one had retired after this promotion. The applicants in OA No.579/2004 have not filed any rejoinder to admit or rebut the case of the respondents that their case was distinguishable from the case of R.K. Parteek and Others cases. The order of respondent, Annexure A-1 impugned in the OA is not a reasoned and speaking order, therefore, t becomes difficult to appreciate the merit of the individual case of each of these applicants in the light of the various decisions of the Tribunal which have been referred to in the letter dated 30.7.2003 impugned in the OA.

13. The learned counsel for the applicants has drawn our attention to the orders of this Tribunal, the Hon'ble High Court and other orders, copy of which has been placed on record and has strenuously argued that the applicants have not been granted proper relief as deserved by them. However, it has not been disputed that the respondents have not dealt with all the issues and question which were raised by the applicants in their represenation in their order dated 30.7.2003. In fact the order is a cyclostyled order which has been issued to all the persons who had made representation without individually considering the case on merit. The applicants in these two OAs are seeking parity and equality with the applicants in the OAs referred to in the impugned order dated 30.7.2003. They cannot be denied just relief arbitrarily by restricting the benefit of the orders of the Hon'ble High Court and this Tribunal to the applicants who were parties to

the cases. The Hon'ble Apex Court and this Tribunal has repeatedly explained that the Government as a model employer should extend the benefit of the orders of the Court/Tribunal which are in the nature of judgment in rem to all similarly placed/situated persons instead of driving them to resort to avoidable litigation. The order dated 30.7.2003 being arbitrary is liable to be quashed.

14. In the facts and circumstances it would be just and proper that we dispose of the OA No. 579/2004 and OA No. 984/2004 by giving the following directions:-

(i) The order dated 30.7.2003 is quashed.

(ii) The respondent shall consider the claim of each of these applicants separately, compare their cases with the case of the applicants in OA Nos. 351/1999 and 1218/2002, 1325/1998 and 337/2002 and decide whether they are similarly situated persons.

(iii) If these applicants or any of them is held to be entitled to be given the benefit as applicants in the aforementioned cases have got, he will be granted the benefit at par with the applicants in the referred OAs.

(iv) The respondent shall pass a reasoned order in the case of each of the applicants within a period of 3 months from the date of copy of the order of the Tribunal is received by them.

(v) In case the applicants are held to be entitled to the grant of benefit of the orders of the Tribunal in the abovementioned cases, it shall be granted to them with all consequential benefits within two months of the date of order passed pursuant to the direction given in para (iv) above.

We order accordingly leaving the parties to bear their own costs.

(M.K. Mishra)
Member (A)

(M.A. Khan)
Vice Chairman (J)

Rakesh

प्रमाणित सत्यप्रतिलिपि
CERTIFIED TRUE COPY
दिनांक/Dated.....
अनुभाग अधिकारी/Section Officer
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रधान न्यायपीठ, नई दिल्ली
Principal Bench New Delhi