

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.743/1996

WEDNESDAY, THIS THE 1ST DAY OF MAY, 2002

HON'BLE MR. C.S. CHADHA .. MEMBER (A)

HON'BLE MR. A.K. BHATNAGAR.. MEMBER (J)

1. Smt. Vidyawati Lal,
widow of late Michael P.N. Lal,
R/o 24/14, Nawab Yusuf Road,
Kalwari Bible School,
Allahabad.

1(A) Sri Samuel Lal,
S/o late Michael P.N. Lal,
R/o 24/14, Nawab Yusuf Road,
Kalwari Bible School,
Allahabad.

2. S.P. Kesharwani,
S/o Late Mata Prasad Kesharwani,
R/o H.No.3/2-A, Attarsuiya,
Allahabad.

3. N.C. Saxena,
S/o Late Komal Bhan Saxena,
R/o H.No.103, Old Lashkar Line,
Old Baihrana, Allahabad.

4. M.L. Jaiswal,
S/o Late Dakhi Lal,
R/o H.No.53, Jaintipur,
P.O. Dumanganj, Sulemsarai,
Allahabad.

5. P.C. Gaur,
S/o Late L.S. Gaur,
R/o H.No.345, Mohtashimganj,
Allahabad. ... Applicants

(By Advocate Shri Yaar Mohammed)

Versus.

1. Union of India, through
the Secretary,
Ministry of Defence,
New Delhi. ... Respondents.

...2...

B.K. 05

2. Director General of Ordnance Services,
Master General of Ordnance Branch,
Army Headquarters, HQ PO,
New Delhi.
3. Officer-in-Charge,
Army Ordnance Corps (Records),
Post Box No.3,
Trimulgherry Post,
Secunderabad - 500 015.
4. Shyam Lal Dubey,
S/o Late Bal Krishna Dubey,
R/o Village Nivikalan,
P.O. Jhunsi, Allahabad.
5. D.K. Thakur,
Office Superintendent,
Central Ordnance Depot,
Chheoki.
6. Jagdish Kumar,
Ordnance Officer Civilian (Admn),
Ordnance Depot, Calcutta.
7. S.S. Singh,
Ordnance Officer Civilian (Adm),
1 Field Ordnance Depot, C/o 56 APO.
8. D.C. Pandey,
Ordnance Officer Civilian (Adm),
21, Field Ordnance Depot,
C/o 56 APO. ... Respondents

(By Advocates Shri A. Sthalekar, Shri V. Gulati and Shri R. Verma)

O R D E R

Hon'ble Mr. C.S. Chadha, Member (A):

We were informed that on a similar issue involving the same principles in another similar cases decided by this Tribunal, a writ has been filed in the High Court where it is pending.

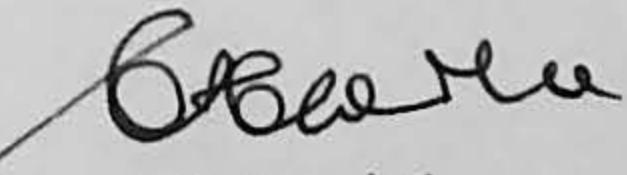
2. The learned counsel for the applicant also agrees that principle involved is the same although the

C.S. Chadha

applicants are not a party to that litigation. Since the decision of the Hon'ble High Court in that ^{case} is bound to be effective for all the class of persons similarly placed, it is ^{not} in the interest of justice to pursue this O.A. provided we ^{do not} cause any prejudice to the right of the applicants to file a fresh O.A. if the judgment in the High Court is in accordance with what the applicants now plead for. Therefore, no purpose will be served by simply adjourning the case sine die awaiting the judgment of the Hon'ble High Court. We would rather close this matter with the clear stipulation that our order of closing this O.A. does not prejudice the claim of the applicants in any manner and their O.A. if filed after the judgment of the High Court shall be considered ^{to be} within time. It is made amply clear that the judgment of the High Court shall determine the course of events which have been the matter of dispute in this O.A.

3. The O.A. is disposed of. No order as to costs.


MEMBER (J)


MEMBER (A)

psp.