



**Central Administrative Tribunal
Principal Bench: New Delhi**

**O.A. No. 1981/2021
MA No. 2514/2021**

This the 10th day of September, 2021

Through Video Conferencing

**Hon'ble Ms. Manjula Das, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Amlan Jyoti Mazumdar,
s/o Kalyan Majumdar,
R/o House No.711, Sector 4,
R.K. Puram, New Delhi-110022
Group-A
Nature of grievance: Illegal Recovery.
2. Mrs. Krishna Sarbari Das Gupta,
W/o Dipankar Das Gupta,
R/o Ruchira Residency,
Tower-4, Flat-10/6,
E.M. Bypass, Kalikapur,
Kolkata-700078
Group-A
Nature of grievance : Illegal Recovery
3. Santosh Kumar Mishra,
S/o Late Prabhakar Mishra
R/o B-35/70-D-3, Tulsi Nagar,
Srai Nandan, Varanasi(UP)-221010
Group-A
Nature of grievance : Illegal Recovery
4. Subrata Majumdar,
S/o Late Sailaja Kumar Majumdar,
R/o 186/2, Old Sahara Road,
New Barrackpur,
Distt. North 24 Parganas,
West Bengal, PIN-700131
Group-A
Nature of grievance : Illegal Recovery



5. Niladri Mohan Satapathy,
S/o Late Gopabandhu Satapathy
R/o Plot No.754, Sector-3,
Niladri Vihar,
PO-Sailashree Vihar, Bhubaneswar,
Odisha, PIN-751021
Group-A
Nature of grievance : Illegal Recovery

...Applicants

(By Advocates : Mr. M.K. Bhardwaj and Ms. Tanya
Agarwal)

Versus

1. Ministry of Information and Broadcasting,
Through Secretary,
Shastri Bhawan, Rajendra Prasad Marg,
New Delhi.
2. Prasar Bharti,
Through Chief Executive Officer (CEO),
Prasar Bharti Bhawan,
Copernicus Marg, New Delhi.
3. Director General,
All India Radio,
Akashvani Bhawan, Parliament Street,
New Delhi.
4. Director General,
Doordarshan Bhawan,
Copernicus Marg, New Delhi.

...Respondents

(By Advocates : Mr. Hanu Bhaskar with Mr. S.M. Zulfiqar
Alam for R-1 and Ms. Vertika Sharma for
R-2 to 4)

ORDER (ORAL)

Hon'ble Ms. Manjula Das, Chairman

MA No.2514/2021

This MA has been filed by the applicants under Rule 4(5)(a) of CAT (Procedure) Rules 1987, seeking permission to join in a single O.A. For the reasons stated in the MA, the same is allowed.

OA No.1981/2021

2. This Application has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief(s):-

- “A. To declare office order dated 07.04.2015 at Annexure A-1 as non-est in the eyes of law and inoperative qua the applicants herein and to issue a suitable direction to the Respondents to restore the pay of the applicants herein as fixed in compliance of letter dated 21.05.2004 at Annexure-6 with all consequential benefits.
- B. To issue suitable order or direction, to extend the application and benefit of order dated 28.11.2019 in OA No. 060/01067/2017 passed by Ld. CAT, Chandigarh Bench at Annexure A-2. Order dated 04.02.2020 in OA No. 1467/2015, OA No. 1956/2015 and OA NO. 1974/2015 passed by this Hon'ble Tribunal at Annexure A-3 and order dated 02.11.2020 in OA No. 4253 of 2018 passed by this Hon'ble Tribunal at Annexure A-4 to the applicants herein.



- C. To issue suitable order or direction to the respondents to consider the applicants as per the applicants of (i) OA No. 060/01067/2017 before Ld. CAT, Chandigarh Bench, (ii) OA No. 1467/2015 and other connected OA. i.e. O.A. 2483/2018 O.A. No. 1665/2015, OA No. 1956/2015 and OA No. 1974/2015 before this Ld. Tribunal and to amend the communication dated 28.07.2021 at Annexure A-19, so as to include the Applicants herein and exempt them from re-fixation and recovery like the applicants in the O.As mentioned.
- D. To issue suitable order or direction, to restrain the respondents from recovering any amount from the pension and retirement dues of applicants as per the present applicants are on the same footing.
- E. To issue suitable order or direction, directing the respondents not to withhold the Pension and retirement dues of the applicants based on the last pay drawn by them and release the same in the favour of the applicants without any downward re-fixation of pay and recovery of any alleged amount of excess payment.
- F. To issue suitable order or direction, directing the respondents to withdraw the downward re-fixation of pay and recovery notices against the applicants issued on the basis of order dated 07.04.2015 or any order issued as a sequel to that particularly communication dated 08.11.2019 which have become infructuous upon quashing of the order dated 07.04.2015.
- G. To issue any other suitable order or direction which this Hon'ble Tribunal may deem fit and proper under the facts and circumstances of this case.
- H. To award cost of the application in favour of the applicants."



3. At the outset, Mr. M.K. Bhardwaj, learned counsel for applicants submitted that the impugned order dated 07.04.2015 passed by respondent No.3- the Dy. Director of Admn. (P) for Director General on the subject 'Alleging wrong stepping up of pay of Direct Recruit PEXs vis-à-vis Promotee PEXs' was challenged by similarly situated employees before the Chandigarh Bench of this Tribunal by filing O.A. No.1067/2017, with a prayer to set aside the order. That O.A. was allowed vide order dated 28.11.2019, by setting aside the impugned order dated 07.04.2015. Similarly situated employees also approached the Principal Bench of this Tribunal by filing various O.As., such as, OA No. 1467/2015 and batch; and O.A. No. 4253/2018 etc., challenging the order dated 07.04.2015. The same were disposed of, in terms of order dated 28.11.2019 in O.A. No.1067/2017 by the Chandigarh Bench. Learned counsel for the applicant, accordingly, prays that similar order be passed in the present case also.

4. Per contra, Mr. Hanu Bhaskar, learned counsel for respondents submitted that the Hon'ble High Court is seized of the matter. However, Mr. Bhardwaj, learned counsel for the applicant submitted that the Hon'ble High Court did not



interfere with the decision of this Tribunal, rather the Govt. implemented the orders passed by this Tribunal.

5. We heard Mr. M.K. Bhardwaj and Ms. Tanya Agarwal, learned counsel for applicant and Mr. Hanu Bhaskar with Mr. S.M. Zulfiqar Alam, learned counsel for respondents No.1 & Ms. Vertika Sharma, learned counsel for respondents No.2 to 4.

6. In view of the submission made by learned counsel for the applicant and since the Hon'ble High Court neither stayed nor set aside or modified the order passed by this Tribunal, the contention of Mr. Hanu Bhaskar, learned counsel for respondents cannot be accepted.

7. In **State of Karnataka & Ors. vs. C. Lalitha**, (2006) 2 SCC 747, it was held, "Service jurisprudence evolved by this Court from time to time postulates that all persons similarly situated should be treated similarly. Only because one person has approached the court that would not mean that persons similarly situated should be treated differently." Similarly, in **Inder Pal Yadav & Ors. vs. Union of India & Ors.**, 1985 (2) SCC 648, it was held, "Relief granted by the Court is to be given to other similarly



situated employees without forcing them to go to court for similar benefits”.

8. From the perusal of the record, we find that the applicants are similarly situated to the applicants in O.A. No. 1067/2017 of Chandigarh Bench. In view of the settled principle of law and for parity of reasons, the applicants are also entitled for the similar benefit, and we deem it fit and proper to pass similar order in this case also.

9. Accordingly, the O.A. is disposed of in terms of order dated 28.11.2019 in O.A. No. 1067/2017 passed by the Chandigarh Bench of the Tribunal, as well as order dated 02.11.2020 passed by the Principal Bench in O.A. No.4253/2018, and direct the respondent authority to give similar benefit to the applicants herein. This exercise shall be carried out within a period of three months from the date of receipt of a copy of this order. The applicants are directed to communicate this order along with copies of the judgment of the Chandigarh Bench as well as the Principal Bench to the respondents, so as to enable them to verify whether they are similarly situated to the applicants in the aforesaid O.As., and to pass a reasoned order, as directed in



the foregoing paragraphs, under intimation to the applicants.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman

September 10, 2021
/jyoti/mbt/dd/