

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
(THROUGH VIDEO CONFERENCING)**

Original Application No. 332/00339/2020

Date of Order: This, the 22nd Day of December, 2020

HON'BLE MR. A MUKHOPADHAYA, MEMBER (A)

Gyan Prakash Srivastava, aged about 69 years,
son of Late Shri M.N. Srivastava, Resident of –
1/804, Sector-H, Jankipuram, Lucknow.

... Applicant



- Versus -

1. Union of India through Secretary to the Government of India, Ministry of Consumer Affairs, Food and Public Distribution, Department of Food and Public Distribution, Krishi Bhawan, New Delhi- 110001.
2. The Assistant Regional Director (Storage & Research), Quality Controlling Cell, 5th Floor, Kendriya Bhawan, Lucknow.
3. The Pay & Accounts Officer, Department of Food & Public Distribution, New Delhi.

.....Respondents.

For the Applicant: Shri Praveen Kumar
For the Respondents: Ms. Madhu Yadav

ORDER (ORAL)

This is a Division Bench matter. Division Bench is not convened today.

2. Heard both learned counsel for the applicant as well as for the respondents.



3. At the outset, Shri Praveen Kumar, learned counsel for the applicant, submitted that the case of the applicant squarely covered by the judgement dated 29.10.2018 of the Hyderabad Bench of this Tribunal in OA No. 743/2014 in the case of B. Prasada Rao v. U.O.I. & Ors., which has been upheld both by the Hon'ble High Court as well as the Hon'ble Supreme Court. He argued that since the applicant is similarly situated vis-à-vis Shri B. Prasada Rao, the applicant in the cited case, his case should have been decided in terms of the said judgement which is final and he should have been granted the relief he is seeking through this OA. Instead, his representation, made after the confirmation of the judgement in OA No. 743/2014 dated 09.01.2020 is yet to be



addressed by the respondents. Shri Kumar, learned counsel for the applicant further stated that when his representation was not addressed, the applicant raised his grievance with the respondents on 23.10.2020 again pleading his case. However, vide the impugned order dated 06.11.2020, which refers only to the grievance dated 23.10.2020 and not his formal representation dated 09.01.2020, the applicant's case has been rejected only for the reason that he was not a party to the OA No. 743/2014. Thus, the respondents have held that the judgement dated 29.10.2018 in the case of B. Prasada Rao (supra), since confirmed by the Hon'ble High Court and the Hon'ble Supreme Court, is a judgment in personam and, therefore, the benefits of that judgment cannot be given to the applicant. Shri Kumar, learned counsel for the applicant stated that, in the circumstances, he would be satisfied if the respondents are directed to decide the applicant's representation dated 09.01.2020, (Annexure A-8), in the light of the judgement delivered by the Hyderabad Bench of this Tribunal dated 29.10.2018 in OA No. 743/2014, bearing in mind that the applicant is similarly situated to the applicant in that OA.

4. At this, Ms. Madhu Yadav, learned counsel for the respondents submitted that in

case the applicant's representation is to be decided in the manner sought, then a period of at least one month may be allowed for the same.

5. Given the foregoing position, and looking to the limited nature of the plea made by the learned counsel for the applicant, I deem it appropriate to dispose of this OA at the stage of admission itself by directing the respondents to consider and dispose of the representation dated 09.01.2020, (Annexure A-8), made by the applicant to the respondents in accordance with law and in the light of judgement of the Hyderabad Bench of this Tribunal in OA No. 743/2014 dated 29.10.2018 after affording the applicant an opportunity of personal hearing. While considering the representation of the applicant, the respondents shall specifically address the question of whether the applicant in this case is indeed similarly situated to the applicant Shri B. Prasada Rao in OA No. 743/2014 as stated by the learned counsel for the applicant. If the applicant is found similarly situated to the applicant in OA No. 743/2014, the benefits of the judgement dated 29.10.2018 will be extended to the applicant in this case also. If the applicant is not found similarly situated, then the specific points of difference shall be brought on record. The entire exercise will be conducted



within a period of one month after receipt of a certified copy of this order.

6. Original Application is disposed of accordingly at the admission stage itself. There shall be no order as to costs.

(A.MUKHOPADHAYA)
MEMBER (A)

JNS

