

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated: Allahabad, the 15th day of February, 2001

Coram: Hon'ble Mr. Justice R.R.K. Trivedi, VC
Hon'ble Mr. S. Dayal, A.M.

ORIGINAL APPLICATION NO.1467 OF 1994

1. Jai Singh, aged about 53 years,
s/o late Lalloo Singh,
r/o 163, K-Block, Yashoda Nagar,
Kanpur, presently employed as Store
Superintendent (SS), P.No.1498602, Central
Ordnance Depot (C.O.D), Kanpur.
2. R.B.S. Chauhan, aged about 57 years,
s/o Sri S.P. Singh Chauhan,
r/o 317/1, Babupurwa Colony, Kanpur,
presently employed as Senior Store
Superintendent (SSS), P.No.6958194,
Central Ordnance Depot (C.O.D;),
Kanpur.
3. Subedar, aged about 51 years,
s/o late Ishwari Prasad,
r/o 155, D-Block, Shyam Nagar,
Kanpur, presently employed as
Senior Store Keeper (SSK),
P.No.6959804, Central Ordnance Depot (C.O.D),
Kanpur.

. . . Applicants

(By Advocate Sri M.K. Upadhyay)

VERSUS

1. Union of India, through the Secretary,
Ministry of Defence, Government of India,
New Delhi.
2. Director General of Ordnance Services,
MGO's Branch, Army Headquarters, DHQ PO
New Delhi- 110011.
3. Officer-in-charge, ADC (Records),
Trimulgheery P.O. Secunderabad.
4. Commandant,
Central Ordnance Depot (COD),
Kanpur.

. Respondents

(By Advocate Sri S.C.Tripathi)

_O_R_D_E_R_ (ORAL)

(By Hon'ble Mr. Justice R.R.K. Trivedi, VC)

By this Original Application, under Section 19 of the Administrative (Tribunals) Act, 1985, the applicants have prayed for a direction to the Respondents to count their seniority from the date they were appointed as Civilian School Masters. The facts, in short, giving rise to the present controversy are that the applicants were initially appointed as Civilian School Masters and subsequently they became surplus and ~~they~~ were accommodated as ^{UDC} Senior Store Keepers in different ^{places} ~~scale~~. However, ^{if} their seniority was counted from the date they were absorbed as Store-Keepers. Aggrieved by this action, they have approached this Tribunal. The same controversy arose before this Tribunal in the case of Sri Hari Om Upadhyay

and others in O.A. No.1232 of 1991, which was decided in favour of the applicants and following direction was given :-

" In view of the foregoing discussions, the petition is allowed. The seniority of all the applicants as Senior Store Keeper/ U.D.C. or any other post carrying the scale of Rs.130- 300 or equivalent to which they were promoted after re-deployment in lower posts shall be counted from the date of their initial appointment as C.S.M. in the pay-scale of Rs.130- 300. They shall also be entitled to all consequential benefits."

It is not disputed that this order has become final between the parties. The short question before us is whether the present applicants, who approached this Tribunal in 1994 can be given the same relief. The Hon'ble Supreme Court in the case of U.P. State Development Corporation Limited and another Versus Vijai Kumar Upadhyay and another, 1997 Supreme Court Cases (L & S), 1247, held that identically situated employees should be given the same treatment and if some of the employees have been given the relief, others cannot be denied whatever may be the reason. The relevant paragraph no.4 is being reproduced below:-

" In view of the fact that the earlier orders of this Court have become final, the respondents are entitled to regularisation of their services. The learned counsel for the appellants has brought to our notice that since subsequently there was a development after the orders passed by this Court, namely, some of the establishments have been handed to the private sector and some of them are in the process of being wound up, the orders passed earlier by the High Court as confirmed by this Court and the present

order would cause hardship to the appellant Corporation. We do not think that we can go into that aspect of the matter particularly, when the order in favour of some of the employees has attained finality. Similarly, the respondents are entitled to the same benefit."

2. In view of the legal position expressed by the Hon'ble Supreme Court, we are of the view that the present applicants are also entitled for the same relief. Similar view has been taken by the Principal Bench of this Tribunal in other cases. In the circumstances, the O.A. is allowed. The respondents are directed to count the seniority of the applicants from the date of their initial appointments as Civilian School Master in the pay-scale of Rs.130- 300. The applicants shall also be entitled to all the consequential benefits. This order shall be implemented within four months from the date a copy of this order is filed.

No order as to costs.

(S. DAYAL)
MEMBER (A)

(R.R.K. TRIVEDI)
VICE- CHAIRMAN

Nath/