

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

...

Original Application No. 1315 of 2003.

this the 30th day of November, 2004.

HON'BLE MR. M.P. SINGH, VICE CHAIRMAN  
HON'BLE MR A.K. BHATNAGAR, MEMBER(J)

Awadh Narain Rai, S/o Late Lal Bahadur Rai, R/o House No.  
11/1/7 P.O. Kydganj, Allahabad.

Applicant.

By Advocate : Sri S. Lal.

Versus.

1. Union of India through Defence Secretary, Ministry of Defence, New Delhi.
2. Director General EME (EME-Civ.), Army Headquarters, HQ, P.O., New Delhi.
3. Headquarters, Base Workshop Group EME, Meerut Cantt.
4. Commandant & MD, 508 Army Base Workshop, Allahabad Fort.

Respondents.

By Advocate : Sri R. Sharma.

ORDER

M.P. SINGH, V.C.

on the last date of hearing i.e. 29.10.2004, it was stated by the learned counsel for the applicant that the present case is fully covered by the judgment passed by this Tribunal in O.A. no. 615 of 2003, but he fairly stated that the said judgment has already been challenged before the Hon'ble High Court of Allahabad. The Tribunal has also observed in the said order to wait till the final out-come of the writ petition pending in the Hon'ble High Court. The case was accordingly directed to be listed for hearing

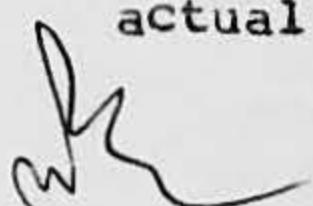
on 29.11.2004. On that date, the learned counsel for the respondents has sought adjournment on the ground of illness.

2. The learned counsel for the applicant has produced a copy of the judgment and order dated 29.10.2004 of the Hon'ble High Court, Allahabad passed in writ petition No. 45060 of 2004 in re. Union of India & Ors. vs. Krishna Gopal & Another, whereby the order passed by the Tribunal in the aforesaid O.A. has been upheld. Since the present case is fully covered by the decision of the Tribunal dated 21.5.2004 in O.A. no. 615 of 2003, the same benefits granted to the applicant in that O.A., should be made applicable to the applicant in the present case.

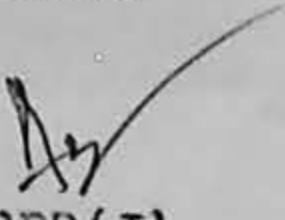
3. On the other hand, learned counsel for the respondents has stated that the facts of the present case are quite different from the facts of O.A. no. 615 of 2003. Therefore, the applicant cannot be given the said benefits as has been given in O.A. no. 615 of 2003.

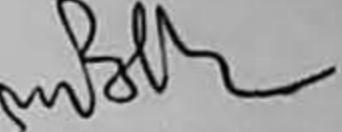
4. After hearing the parties' counsel, we have given careful consideration to the submissions made by the rival parties and we are of the considered view that the present case is fully covered with the decision of this Tribunal dated 21.5.2004 passed in O.A. no. 615 of 2003. The operative portion of the order passed in O.A. no. 615 of 2003 reads as follows:

"8. In view of the above, the O.A. is allowed. The impugned orders are quashed. The respondents are directed to provide the benefit of second upgradation ignoring promotion to upgraded post prior to the merger of pay scale and thereafter to fix his pay, provide all consequential benefits including pensionary benefits within a period of three months from the date of receipt of copy of this order. Incase compliance of the order is not made within the aforesaid period of three months, the applicant would be entitled to interest @ 9% per annum on the payable amount w.e.f. the date the three months period expires till the date of actual payment. Costs easy."



5. In view of the directions given in the aforesaid  
O.A. no. 615 of 2003, the same<sup>shall</sup> also be applicable <sup>my late</sup> ~~mutatis~~ 2  
mutandi in the present case. The respondents are directed  
to grant all the benefits to the applicants within a period  
of three months from the date of communication of this  
order. No costs.

  
MEMBER (J)

  
VICE CHAIRMAN

GIRISH/-