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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.441 2006

ALLAHABAD THIS THE 28th DAY OF AUGUST, 2008

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

Dr. Mohammad Akram,
Ex. Chief Staff Surgeon/Central Hospital N.D.L.S.
39, A.D.A., Colony Neem Sarain,
Allahabad.

.Applicant

By Advocate : Sri Anupam Shukla, Shri O.P. Tewari &
Shri J. Pandey

Versus

1. Union of India through Joint Director Finance,
(Establishment) Railway Board,
Ministry of Railways, Rail Bhawan, New Delhi.
 2. Deputy Director Finance (Estt.) DL., Railway
Board, Finance (Establishment) Railway Board,
Ministry of Railways, Rail Bhawan, New Delhi.
 3. Divisional Railway Manager,
Allahabad Division, North Central Railway,
Allahabad.
 4. Senior Divisional Finance Manager,
North Central Railway, Allahabad.
-Respondents

By Advocate : Shri P. N. Rai

ORDER

This OA is filed seeking quashing of the impugned order dated 17.03.2006. By the said order the request of the applicant for grant of non-practicing allowance in the basic pay scale of the petitioner for the purpose of computation of fixation of pension was rejected. It is a case of the applicant that similarly placed identical persons regarding their grievance approached the court and the court has passed the orders for which the applicant claims.




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Even though by the endorsed rejection order the respondents have stated that since the applicant is not a party to the said order, therefore the request of the applicant cannot be granted.

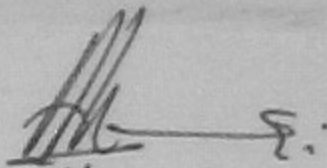
2. On notice the respondents have filed the counter affidavit. Even though they are not disputing the facts but in para 4 of the application it is stated that he is not a party to the proceedings. The orders are passed by the competent authorities therefore the relief which was granted in that matter cannot be extended to the applicant and as such the request of the applicant was rejected by the respondents authorities and sought for dismissal of this OA.

3. I have heard the learned counsel for the parties and perused the pleadings and the materials on record, having regard to the fact that similarly placed identical persons have the benefits from the respondents, the applicant cannot be denied of the same on the ground that the applicant is not a party to the proceedings and the applicant has not approached the court, the contention of the respondents cannot be accepted. On the other hand the applicant has made out a case for the grant of the relief claimed. In view of the fact that the grievance of the applicant is one and the same and similar to that of other persons to whom the respondents have given the benefits and as such the contentions of the applicant are accepted.



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4. In view of the foregoing reasons the impugned order dated 17.03.2006 is quashed and the OA is allowed directing the respondents to implement the circular sated 28.08.2005 issued by respondent no.1 to the petitioner.



Member-J

/ns/