

(B)  
OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.505 OF 2006

ALLAHABAD THIS THE 5<sup>TH</sup> DAY OF NOVEMBER 2008

HON'BLE MR. JUSTICE A. K. YOG, MEMBER-J

Dr. J. K. Kulshrestha  
Retired Chief Medical Officer,  
N.E. Railway, Resident of House  
3/19, ADA Flats (Behind CTO  
Panchshila Colony, M.G. Marg,  
District-Allahabad (U.P.)

.....Applicant

By Advocate : Shri Shamim Ahmad

Versus

1. Union of India through the Chairman  
Railway Board, Ministry of Railway,  
Rail Bhawan, New Delhi.
2. General Manager (P),  
N.E. Railway, Maligaon,  
Guwahati-11.
3. Divisional Railway Manager,  
North Central Railway, Allahabad.

..... Respondents

By Advocate : Shri K. P. Singh

**ALONGWITH**

**ORIGINAL APPLICATION NO.289 OF 2006**

Dr. K.G. Misra,  
Retired Chief Medical Superintendent,  
Northern Railway (Now N.C.R.) Allahabad,  
R/o S-201, Prayag Kunj, 3, Strachey Road,  
Allahabad.

.....Applicant

By Advocate : Shri Shamim Ahmad

Versus

1. Union of India through the Chairman  
Railway Board, Ministry of Railways,  
Rail Bhawan, New Delhi.
2. Union of India through the General Manager (P),

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N.E. Railway, Allahabad.

3. Divisional Railway Manager,  
North Central Railway, Allahabad.

..... Respondents

O R D E R

1. Heard Shri Shamim Ahmad, Advocate on behalf of applicant and Shri K.P. Singh, Advocate on behalf of respondents.
2. Learned counsel for the applicant at the outset stated that the present OA No.505/06 (Dr. J.K. Kulshrestha Versus Union of India and Others) and another connected case indicating OA No.289/06 (Dr. K.G. Mishra Versus Union of India) based on similar facts as contained in OA No.441 of 2006 (Dr. Mohammad Akram Versus Union of India and Others) which was decided vide order dated 28.08.2008. Learned counsel for the applicant submitted Photostat copy of the said order dated 28.08.2008. Prima facie it appears that contention of learned counsel for the applicant is correct. The relevant para 3 of the aforesaid order of Tribunal dated 28.08.2008 (Supra) is being reproduced below:-

"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

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other persons to whom the respondents have given the benefits and as such the contentions of the applicant are accepted.

2. In view of the above, the above referred OA No.505 of 2006 and 289 of 2006 are also accordingly disposed of. Consequently the order dated 13/16.01.2006 (Annexure-1 to OA No.505/06 Dr. J.K. Kulshrestha Versus Union of India and Others) and 29.12.2005 (Annexure-1 to OA No.289/06, Dr. K.G. Mishra Versus Union of India) are set aside. It is further directed that applicants should also be extended same privilege/benefit as has been given by the respondents to identical persons (including the applicants in the aforesaid OAs) decided by Tribunal vide order dated 28.08.2008 and they shall not be denied of the same on the ground that they had not approached the court earlier. It is further admitted that respondent have implemented circular dated 28.08.2005 on same terms and conditions. In case, respondents are of the view that the case of the applicant in present OA No.505/06 and 289/06 are different it shall be open for them to seek recall of this order.

3. OA stands finally disposed of subject to above directions. There shall be no order as to costs.

(JUSTICE A. K. YOG)  
Member-J