

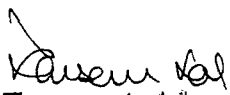



specific case either by the judiciary or the Government should be applied to all other identical cases without forcing the other employees to approach the court of law for an identical remedy or relief. We clarify that this decision will apply only in cases where a principle or common issue of general nature applicable to a group or category of Government employees is concerned and not to matters relating to a specific grievance or anomaly of an individual employee."

5. In view of the above, we have no hesitation to hold that applicant is entitled to the same benefits as have been extended to similarly situated persons. As regards the delay, it has to be held that since the decision in earlier cases was made by rejection of the respondents writ petitions before the Hon'ble High Court only in 2003, it cannot be stated that the applicant has slept over his rights.



6. In view of the above, the Original Application succeeds. The respondents are directed to pay the applicant's salary in the pay scale of Rs.900-1500, which may further be revised in accordance with the extant rules. The amount payable to the applicant be also released within a period of three months from the date of communication of this order. We make it clear that this order is, however, subject to the outcome of the Civil Appeal stated to be pending before the Hon'ble Apex Court in the case of **Union of India vs. Gopa Ram**. The respondents may obtain necessary undertaking from the applicant in regard to the refund of the excess money that might become due for recovery from the applicant in pursuance of the judgment of the Hon'ble Apex Court, which is awaited. No costs.


[Tarsem Lal]
Administrative Member


[Dr. K.B.S. Rajan]
Judicial Member