

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH; JODHPUR**

**Misc. Application No. 141/2007  
in/ and  
O. A. No. 247/2007**

**Date of decision : 19.02.2009**

**Hon'ble Mr.N.D. Raghavan, Vice Chairman.**

**Hon'ble Mr. Tarsem Lal , Administrative Member.**

1. Smt. Baby Kanwar W/o late Shri Rewant Singh aged 38 years.
  2. Vikram Singh ,S/o late Shri Rewant Singh aged 23 years.
  3. Hari Singh, S/o late Shri Rewant Singh aged 19 years.
  4. Hukam singh, S/o late Shri Rewant Singh aged 15 years
  5. Guddi Kanwar D/o late Shri Rewant Singh aged 12 years
  6. Ranjana Kanwar D/o late Shri Rewant Singh aged 11 years
- applicants 4 to 6 are minors through their guardian mother Smt. Baby Kanwar, W/o late Shri Rewant Singh

Applicants are LRS of late Shri Rewant Singh and residents of village Gda, The. Shergarh, Distt. Jodhpur.

: applicants.

Rep. By Mr. S.K. Malik : Counsel for the applicants.

**Versus**

1. Union of India through the Secretary Ministry of Defence, Raksha Bhawan, New Delhi. 110 011
2. Director General, Engineer in Chief Branch, Army Headquarters, Kashmir House, DHQ, Post New Delhi.
3. Commander Works Engineer (Army) Bikaner (Rajasthan)
4. Garrison Engineer (Army) Suratgarh, Distt. Sri Ganganagar.

: Respondents

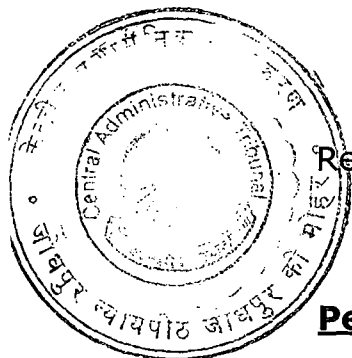
Rep. By Mrs K Parveen: Counsel for the respondents.

**ORDER**

**Per Mr. N.D. Raghavan, Vice Chairman**

Miscellaneous application No. 141/2007 for condoning the delay in filing the O.A 247/2007 and the latter have originally been

*[Signature]*

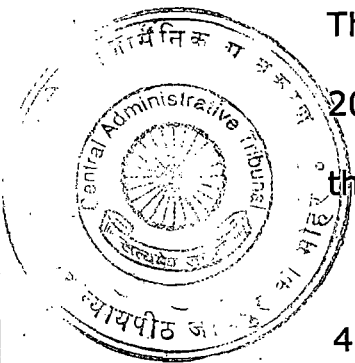


filed by one Rewant Singh. During such pendency, applicant expired on 27.03.2008. Hence the legal heirs of late Rewant Singh filed M.A. No. 50/2008 as LRs of the applicant for substituting the deceased which was allowed by this Tribunal vide order dated 07.05.2008 on record.

2. We have heard both sides of the M.A for condoning the delay in filing this O.A. It was mutually submitted that in the identical O.A No. 218/2007, similar M.A. No. 138/2007 for condonation of delay was filed which was ultimately allowed by the Tribunal by order dated 21. 01.2008. Hence, especially when no objection has been raised by the respondents counsel we have no other alternative than to allow the M.A. No.141/07 herein too accordingly condoning the delay.

3. The learned counsel for the applicants submitted that in O.A No. 205/2007 [**Suresh Kumar vs. Union of India and ors.**] similar issue was involved. That the said O.A, relying on an earlier decision of this Bench of the Tribunal in O.A. No. 240/2006 dated 06.02.2008, had been disposed of vide order dated 01.05.2008. That therefore similar directions, as has been issued in O.A. No. 205/2007, might be issued to the respondents in this case also, the issues in both the OAs being so identical.

4. The learned counsel for the respondents admitted accordingly submitting that she has no objection for issuing similar direction as has been issued in O.A. No. 205/2007.



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5.1. We have heard the submissions of both sides and carefully perused the record available on hand.. As the issue involved in this case is admittedly similar to the O.A. No. 205/2007, we have no hesitation to follow the earlier decision rendered by this Tribunal in the above said O.A.

5.2. The relevant portion of the order dated 06.02.2008 passed in O.A. No. 240/2006, is extracted herein below:

".....

According to the applicants, their case is squarely covered by the facts, issues, cause of action and the relief claimed in O.A. No. 221/2004 [ Kamal Jeet Singh and ors. Vs. UOI and ors] decided by this Tribunal vide order dated 5<sup>th</sup> September 2006 (Annex. A/11) to the respective O.As without entering into the merit or adjudicating the issue on merits.

In view of the above statement made by the learned counsel for the applicants that the case of present applicant(s) is similar and identical to that of the applicants in above referred O.A. No. 221/2004, all the three O.As viz 240/2006, 242/2006 and 254/2006 stand disposed of subject to the above observations and directions.

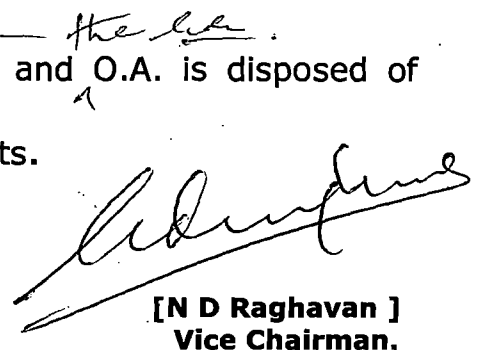
There shall be no order as to costs."

5.3. Hence, the instant O.A is disposed of on the same terms and conditions as contained in afore-quoted order dated 06.02.2008 with directions to the respondents to consider and decide the grievance of the applicants as per order dated 05.09.2006 in O.A.

No. 221/2004 [**Kamal Jeet Singh and ors. Vs. UOI and ors**]

6. In the result, the M.A. is allowed and O.A. is disposed of accordingly as above. No order as to costs.

  
[Tarsem Lal]  
Administrative Member  
Jsv.

  
[N D Raghavan]  
Vice Chairman.

Part II and III destroyed  
in my presence on *8/10/15*  
under the supervision of  
section officer ( ), as per  
order dated *07/07/2015*

*[Signature]*  
Section officer (Records)

क.प्र.म. (प्रक्रिया) नियमावली के नियम 22 के अन्तर्गत निः शुल्क प्रति

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**CENTRAL ADMINISTRATIVE TRIBUNAL,  
JODHPUR BENCH, JODHPUR**

Original Application No. 205/2007

Date of order: 01.05.2008

**HON'BLE MR. JUSTICE A.K. YOG, JUDICIAL MEMBER.**  
**HON'BLE MR. R.R. BHANDARI, ADMINISTRATIVE MEMBER.**

Suresh Kumar S/o Shri Amar Nath, aged about 43 years,  
Resident of Qtr. No. P.12/2, MES Colony, Suratgarh. Presently  
working on the post of Majdoor in the office of G.E. (Army)  
Suratgarh, Distt. Sri Ganganagar (Raj.).

...Applicant.

Shri S.K. Malik, counsel for applicant.

**VERSUS**

1. Union of India through the Secretary, Ministry of Defence,  
Raksha Bhawan, New Delhi - 110 011.
2. Director General, Engineer-In-Chief Branch, Army  
Headquarters, Kashmir House, DHQ Post, New Delhi.
3. Commander Works Engineer (Army), Bikaner (Rajasthan).
4. Garrison Engineer (Army) Suratgarh, Distt. Sri Ganganagar.

...Respondents.

Smt. K. Parveen, counsel for respondents.

**ORDER**

Per Mr. Justice A.K. Yog, Member (J)

Heard Shri S.K. Malik, Advocate, learned counsel  
representing the applicant as well as Ms. K. Parveen, Advocate,  
learned counsel representing the respondents.

On 29.04.2008, Shri S.K. Malik, Advocate, learned counsel  
for the applicant stated that this O.A. is covered by the facts/  
issues/cause of action and the relief as contained in O.A. No.  
240/2006 - decided by Central Administrative Tribunal, Jodhpur  
Bench - vide order dated 06.02.2008; relevant extract of which

Presented by S.K. Malik, Advocate  
Counsel for the applicant

in OA No 247/07 COURT MASTER  
Q. OA 218/07 on 19.2.2009



COMPARED &  
CHECKED

reads:

".....

According to the applicants, their case is squarely covered by the facts, issues, cause of action and the relief claimed in OA No. 221/2004 [Kamal Jeet Singh and Ors. Vs. UOI & Ors.] decided by this Tribunal vide order dated 5<sup>th</sup> September, 2006 (Annex. A/11) to the respective OAs. without entering into the merit or adjudicating the issue on merit.

In view of the above statement made by the learned counsel for the applicants that the case of present applicant(s) is similar and identical to that of the applicants in above referred O.A. (No. 221/2004), all the three O.As viz., 240/2006, 242/2006 and 254/2006 stand disposed of subject to the above observations and directions.

There shall be no order as to costs.

Sd/-  
Member [A]

Sd/-  
Member [J]"



Today, i.e. 01.05.2008, Ms. K. Parveen, Advocate, learned counsel appearing on behalf of the respondents, placed before us a photo-stat / Fax copy of letter dated 30<sup>th</sup> April, 2008 received from 'Gurjeet Singh, Major, Garrison Engineer', informing that present O.A. (No. 205/2007) is similar / identical in nature as O.A. No. 240/2006.

In view of the above, we dispose of this O.A. No. 205/2007 finally at admission stage; on the same terms and conditions as contained in afore-quoted order dated 06.02.2008 with direction to the Respondents to consider and decide the grievance of the Applicant as per order dated 05.09.2006 in O.A. No. 221/2004 (Kamal Jeet Singh and Ors. Vs. U.O.I. & Ors.).

"No order as to costs."

SJ/-  
[R.R.FHANDARI]  
MEMBER[A]

Sd/-  
[A.K.YOG]  
MEMBER[J]

CERTIFIED TRUE COPY  
Dated... 06.5.2008

Neeraj Kumar  
Secretary  
Central Administrative Tribunal  
Jodhpur Bench, Jodhpur.