

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

ORIGINAL APPLICATION NO. 241/2008

Date of order: 02.05.2011

CORAM:

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE MR. SUDHIR KUMAR, ADMINISTRATIVE MEMBER**

Moti Ram (MES-367795) S/o Shri Kashi Ram, aged about 52 years, R/o village 3-M-L, Post Office 2-M-L (Nathwala) Tehsil & Dist. Sriganganagar, at present employed on the post of FGM HS in the office of Garrison Engineer, Lalgah Jattan, Sriganganagar.

...Applicant.

Mr. J.K. Mishra, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Government of India, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commander Works Engineer, MES, Sriganganagar.
3. Shri Lekh Raj (MES No. 372951), FGM HS, office of Garrison Engineer Lalgah Jattan, Sriganganagar.

... Respondents.

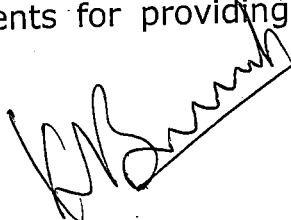
Mr. M.S. Godara, proxy counsel for
Mr. Vinit Mathur, counsel for respondent nos. 1 & 2.
None present for respondent no. 3.

ORDER

(Per Dr. K.B. Suresh, Judicial Member)

Heard learned counsel for the parties.

2. The question, which arises in the matter, is in a very short compass. Several illiterate persons had written requests to the authority for the help of a writer in the examination. Some of them, apparently, did not make requests specifically, but had challenged the non-grant of writer / assistance through the OAs in this Tribunal, and the Tribunal had allowed their cases and directed the respondents for providing the assistance to write



the answers on the replies given by them, as they are illiterate. Apparently, the present applicant was also one of the applicants, who prayed for appearing in the examination with the help of writer, and he was provided a writer as per the directions of the Tribunal. The applicant has succeeded in the examination vide annexure A/7. The respondents would contend that since the applicant had not specifically asked for a writer earlier, the benefit of retrospective calculation was not extended to him even though it was given to others. He was only granted the benefit from the date of passing the examination.

3. We have carefully gone through the pleadings and records of the matter, and found that all these people were similarly situated and even though the consequent catalyst is only the passing of the examination, date backed notional calculation was given to others, but once having been granted the benefit of retrospective computation to others, who are on similar footing, based on Article 14 of the Constitution of India, it cannot be denied to the applicant, who is also on similar footing. Therefore, we allow this Original Application and direct the respondents to grant similar benefit to the applicant also, as has been granted to other similarly situated persons. The Original Application is, thus, allowed to the extent as stated above. There shall be no order as to costs.


(SUDHIR KUMAR)
ADMINISTRATIVE MEMBER


(DR. K.B. SURESH)
JUDICIAL MEMBER