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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.131/2010

Date of decision:11.11.2011

**HON'BLE Dr. K.B. SURESH, JUDICIAL MEMBER,
HON'BLE Mr. SUDHIR KUMAR, ADMINISTRATIVE MEMBER.**

Mangi Lal S/o Shri Sugna Ram, aged 51 years, Fitter Pipe HS in the office of Garrison Engineer (P), Bikaner, R/o Bangla Nagar, Pungal Road, Bikaner.

: Applicant

Mr. Vijay Mehta, counsel for applicant.

Versus

1. Union of India through the Secretary, Government of India, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commander Works Engineer, Air Force, MES, Bikaner.
3. Commander Works Engineer (P) MES, Bikaner.

: Respondents

Mr. Kuldeep Mathur, counsel for respondents.

ORDER (ORAL)

Per Dr. K.B. Suresh, Judicial Member

We have heard both the counsels in great detail and examined the pleadings. It is found that in SLP No.11442/2003 **Union of India vs. Gepa Ram Valveman & Ors.**, the Hon'ble Apex Court had passed an order, which would support the contention raised by the parties and Annexure A/5 judgment, and it would appear that though the Gepa Ram's case was related to initial pay fixation only, related orders were upheld by the High Court, and later by the order of the Hon'ble Apex Court this position was concretized, and on a view that on the basis of its findings, the same benefits were granted to all similarly situated persons.

2. Learned counsel for the respondents submits that it was only by a mistake that the rule related to the condition of passing trade test could not be produced before the decision was taken by the Tribunal on 11.09.2008. But then a decision which was taken and kept in the breast of the concerned authority will not confer any validity to such process. It appears that repeated opportunities were provided for producing that rule, but the respondents did not avail of the opportunities. The matter regarding trade test has been concretized, and cannot now be allowed to be reopened once again.

3. Shri Vijay Mehta, learned counsel for the applicant submits that equality cannot be denied to the applicant, when same benefit has been allowed by the authorities themselves by virtue of implementation of the order passed in 2008.

4. Therefore, the O.A. is allowed. The respondents are directed to grant the similar benefits to the applicant also, which had been granted to the other similarly situated persons. No order as to costs.


[Sudhir Kumar]
Administrative Member


[Dr. K.B. Suresh]
Judicial Member