

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. O.A. 299/1997

Present : Hon'ble Mr. D. Purkayastha, Judicial Member
Hon'ble Mr. G. S. Maingi, Administrative Member

PROKASH CHANDRA JHA

VS.

UNION OF INDIA & ORS.

For the applicant : Mr. P.C. Das, counsel

For the respondents : Ms. R. Basu, counsel

Heard on : 30.3.2000

Order on : 30.3.2000

O R D E R

D. Purkayastha, J.M.

Heard ld. counsel for both sides.

2. Ld. counsel Mr. P.C. Das appearing on behalf of the applicant, submits that the applicant is entitled to get the benefits of the judgment passed by this Tribunal on 15.3.2000 in O.A. 989/1996 as he is similarly circumstanced like the applicant in O.A. 989/96.
Ld. counsel, Mrs. R. Basu appearing on behalf of the respondents submits that this application should not be entertained by this Tribunal since the applicant filed this O.A. after a lapse of about 11 years from the date of cause of action without filing any application for condonation of delay.

3. We have considered the submissions made by the ld. counsel for both sides and have perused the records. We have also gone through the judgment dated 15.3.2000 passed by this Tribunal in O.A. 989/1996. On a perusal of the judgment, we find that the applicant in this O.A. is similarly situated and circumstanced like the applicant in O.A. No. 989/1996. We also find that the question of limitation as raised by the ld. counsel for the respondents, has been decided by this Tribunal in that judgment referring to the judgment of the

Hon'ble Apex Court. We do not find any ambiguity in the judgment. Therefore, we are of the view that the applicant should be given the benefits as given to the applicant in the aforesaid O.A.No.989/1996, since the respondents are legally bound to grant same benefits to similarly situated and circumstanced persons.

4. In view of the above, we direct the respondents to consider the case of the applicant in the light of the judgment passed by this Tribunal on 15.3.2000 in O.A.No.989/1996 and to grant similar benefits to the applicant in this O.A. also in accordance with the extant rules. The application is disposed of with the aforesaid observations without passing any order as to costs.

S. M. Naik
MEMBER(A) 30.3.2000

H. D. Deo
30.3.2000
MEMBER(J)