

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 448 of 1994

Friday this the 7th day of July, 1995.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. S.P. BISWAS, ADMINISTRATIVE MEMBER

S.Vimalanathan,
residing at T.C.8/1214, Valiyavila Jn.
Thirumala PO, Thiruvananthapuram
employed as Scientific Assistant C
in the Office of the Vikram Sarabhai
Space Centre, Polymers and Special
Chemicals Division), Trivandrum.

... Applicant

(By Advocate Mr. Poly Mathai)

Vs.

1. The Government of India represented
by its Joint Secretary,
Department of Space, Bangalore.
2. The Controller, Vikram Sarabhai
Space Centre, Thiruvananthapuram-22.
3. The Administration Officer-II
(Est) Vikram Sarabhai Space Centre,
Thiruvananthapuram.

.... Respondents

(By Advocate Mr. C.N.Radhakrishnan)

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks a declaration that he is
entitled to get the benefits contemplated by A1. By
reason of A1, 41 persons got the benefit of higher
grades. These persons and applicant fall in the same
category, excepting that on 31.12.87 they had become
Assistant Grade 'C' while applicant had not. A1 gave
a higher grade to certain persons who had reached a


contd....

particular grade on that day. The prescription of a date inviting different consequences to two groups similarly situated is arbitrary, submits counsel for applicant. Learned counsel referred to the decision in D.R. Nims case (AIR 1967 SC 1301) and D.S.Nakara's case (AIR 1983 SC 130). These decisions are to the effect that by introducing a date similarly situated persons cannot be fenced into two different areas.

2. We find that A1 upon which the case turned has been read by a Bench of this Tribunal earlier in O.A.1537/91 as not offending Article 14. That is binding precedent and we follow it notwithstanding the efforts of counsel to make a distinction.

3. We dismiss the application but without costs.

Dated 7th July, 1995.



S.P. BISWAS
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

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List of Annexure:

1. Annexure-A1: Impugned order- A true copy of the Office Memorandum No.2/13(5)/89-I (VI) dated 18.3.1991 of the 1st respondent.