

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE : 22.7.93

O.A. 613/92

1. Smt. N. Badrakumari,
LDC, Naval Armament Depot,
Alwaye
 2. Smt. K. P. Laila
 3. Sri K.C. Vasunni
 4. Smt. Chandrika Ravindran
 5. Smt. P. Premalatha Muraleedharan
 6. Smt. A. V. Sarojini
 7. Smt. O. Sumalatha
 8. Sri P.C. Varghese
 9. Sri T. A. George
 10. Sri V.K. Nandakumar
 11. Smt. Mini Alias
 12. Smt. M.P. Martha
 13. Smt. S. Indiramma
 14. Smt. G. Nalini
 15. Smt. M.P. Indira
 16. Sri V.B. Thomas
 17. Smt. S. Lathikakumari Amma
 18. Smt. padmini Krishnan
 19. Smt. Thankam Sethu
 20. Smt. M.S. Kusumakumari
 21. Smt. V. V. Nalini
 22. Sri P.S. Sanu
- Applicants

vs.

1. The Union of India represented by
the Secretary, Ministry of Defence
New Delhi
2. The Chief of the Naval Staff,
Naval Headquarters, New Delhi
3. The Flag Officer Commanding in Chief
HQrs Southern Naval Command,
Cochin-4

Respondents

Mr. M. Girijavallabhan
Mr. George Joseph, ACGSC

Advocate for applicants
Advocate for respondents

CORAM

THE HON'BLE MR. N. DHARMADAN JUDICIAL MEMBER
THE HON'BLE MR. R. RANGARAJAN ADMINISTRATIVE MEMBER

JUDGMENT

MR. N. DHARMADAN JUDICIAL MEMBER

Twenty two applicants have joined together to file this application under section 19 of the Administrative Tribunals' Act for getting the benefit of the judgment of this Tribunal in O.A. 609/89 and connected cases and for a declaration that they are also similarly situated like the persons in these cases ~~XXXXXXX~~ for grant of service benefits like increment, leave, etc. to them also. After the judgment

in O.A. 609/89 and other cases when the applicants jointly approached the concerned authority, Annexure A-3 order was passed indicating that "the representation has been examined and the benefit of court judgment to non-petitioners has been rejected by the Government repeatedly." Hence applicants are not entitled to any benefits. On that ground the contentions raised by the applicants were not ^{considered and} granted. However, they are examining the matter for taking up the case again with the Govt.

2. Learned counsel for applicants submitted that the order has been passed without application of mind and they have no case that the applicants are not similarly situated like the applicants in O.A. 609/89.

3. Respondents have filed a reply in which they have not given satisfactory explanation for denying the reliefs to the applicants and to sustain the views taken by the respondents in disposing of the joint representation of the applicants. They have stated that the decision of the Tribunal is applicable only to the petitioners in that case.

4. This Tribunal has repeatedly held that it is the duty of the administrative authority to examine the contentions specifically raised in original applications where the applicants have claimed benefit of law laid down by the Tribunal and they are bound to take a decision ^{as to} whether the persons are similarly situated like the applicants in the decision cited by them so as to grant similar benefits to them also. Since such a decision has not been taken in this case, we are of the view that the application can be allowed with appropriate directions. Accordingly we allow the application and direct the respondents to extend the benefit of the decision of this Tribunal in

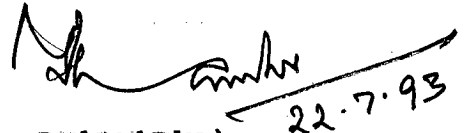
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O.A. 609/89 and connected cases to the applicants in the instant case particularly when they have no case that the applicants' case is distinguishable. This shall be done within a period of four months from the date of receipt of a copy of this judgment.

5. There shall be no order as to costs.



(R. RANGARAJAN)
ADMINISTRATIVE MEMBER



(N. DHARMADAN)
JUDICIAL MEMBER

22.7.93

kmm

List of Annexures

1. Annexure A-3 : Impugned order dated 14.2.91