

J A I P U R.

O.A. No. 975/92

Date of decision: 30.7.94

HARISH CHANDRA

: Applicant.

VERSUS

UNION OF INDIA & ORS

: Respondents.

Mr. Akhil Simlote

: Counsel for the applicant.

Mr. Manish Bhandari

: Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Mr. O.P. Sharma, Administrative Member

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

Heard the learned counsel for the parties.

2. It was agreed upon that the Judgment passed by the Bombay Bench of the Tribunal in T.A. No. 241/86 - A.G. Bodhani Vs. Union of India & Ors, decided on 14.2.91 and other 22 cases, is applicable in the instant case and the applicant is entitled for the benefit which may be available to the petitioners of those cases which have been decided by the Bombay Bench and the Judgment should be applied in the case of the applicant. Mr. Manish Bhandari submits that a SLP has been filed before the Hon'ble Supreme Court and the Hon'ble Supreme Court has stayed the contempt proceedings initiated at Bombay.


3. In the facts and circumstances, we direct that the benefits of Judgment passed by the Bombay Bench in T.A. No. 241/86 - A.G. Bodhani Vs. Union of India & Ors, decided on 14.2.91 may be extended in favour of the applicant alongwith other similarly situated persons.

4. In case, the SLP is accepted and the order of Bombay Bench is set aside or modified, in that case, the order of the Hon'ble Supreme Court will prevail and the applicant shall not be entitled to get the benefit and the Judgment of the Bombay Bench shall be bound by the Judgment



given by the Hon'ble Supreme Court in SLP.

5. With this direction, the O.A. is disposed of accordingly, with no order as to costs.



(O.P. SHARMA)
Administrative Member



(D.L. MEHTA)
Vice-Chairman