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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIFUR BENCH, JAIFUR

QA No. 699/93 : Date of order 17.5.94

Mahipal Jain : Applicant

V/s

Union of India & Others : Respondents

Mr. R.P. Pareek : Counsel for the applicant

Mr. U.D. Sharma : Counsel for the respondents

CORAM

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

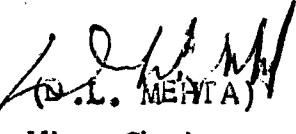
Hon'ble Mr. P.P. Srivastava, Member (A)

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

Heard the learned counsel for the parties and have perused Annexure A-4, the judgement of the Central Administrative Tribunal, Chandigarh Bench decided on 25.9.91 in QA No. 1172/PB of 1989 (Mrs. Puranjit Kaur & Mrs. Naresh Kumari v/s Union of India) and the judgement of the Ernakulam Bench in QA No. 784/92 decided on 24.5.93. The judgement of the Chandigarh Bench has specifically mentioned that the application is filed for the benefit of higher pay scale and on the basis of the judgement it was observed by the Tribunal that by persons of similarly posts, bar of limitation will not arise. In fact, Article 14 comes into play as the judgement is a Law and it should be applied equally in favour of the similarly situated persons and the respondents should not encourage the litigation by giving the benefit only to those who have approached the court and declining to give benefit to those who have not approached the court. We direct the respondents to examine the matter of the applicants in the light of the said judgement and if the applicant are similarly situated persons, then the benefit of the judgement of the Chandigarh Bench and Ernakulam Bench should be given to the applicants also. The process of Examination should be completed within four months from the date of receipt of a copy of this order. QA is disposed of accordingly with no order as to costs.


(P.P. SRIVASTAVA)

Member (A)


(D.L. MEHTA)

Vice-Chairman