

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/00694/2016

DATE OF ORDER: 05.10.2016

CORAM

HON'BLE MR. SANJEEV KUMAR KAUSHIK, JUDICIAL MEMBER
HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER

1. Bharat Prakash S/o Shri Mathura Prasad, aged about 45 years, R/o 46/62, Quarters Tata Nagar Road, Jaipur.
2. Raghunath Ujjawal S/o Shri Ramprasad Ujjwal, aged about 36 years, R/o Plot No. 160, Shekhawati Nagar, Road No. 6, V.K.I., Jaipur.
3. Dinesh Kuma Hadala S/o Shri Bhorian Lal, aged about 43 years, R/o Arvind Nagar, Badaudiya Basti, Station Road, Jaipur.
4. Ashok Chawaria S/o Shri Gopal Das Chawaria, aged about 33 years, R/o Vishwkarma Colony, Tata Nagar Road, Shashtri Nagar, Jaipur.
5. Mahesh Kumar Hadala S/o Bhorianlal Hadala, aged about 39 years, R/o Badoudiya Basti, Station Road, Jaipur.
6. Arvind Kumar S/o Shri Madanlal, aged about 30 years, R/o Plot No. 90, Vishwkarma Colony, 62 Quarters, Shashtri Nagar, Jaipur.
7. Surendra Kumar S/o Shri Phool Chand, aged about 31 years, R/o near Chokhi Dhani, Tonk Road, Sanganer, Jaipur.
8. Saroj Kumari D/o Shri Raju, aged about 33 years, R/o Plot No. 351, Vedpuri Aamagarh, Agra Road, Jaipur.
9. Kailash Kumar S/o Shri Rajkumar, aged about 31 years, R/o Chitrangan Marg, C-Scheme, Jaipur.
10. Rajendra Kumar S/o Shri Tarachand, aged about 39 years, R/o Vishwkarma Colony, Shashtri Nagar, Jaipur.
11. Dharmveer S/o Shri Gulzarilal, aged about 31 years, R/o Jhalana Dungri, Jaipur.
12. Sonu D/o Shri Gurudayal, aged about 33 years, Gurjar Basti, Shashtri Nagar, Jaipur.
13. Ramkumar Dhelet S/o Shri Nanagram Dhalet, aged about 42 years, R/o Hanumaan Gali, Chandpole Bazar, Jaipur.
14. Lalu Meena S/o Shri Bhoruram Meena, aged about 38 years, R/o Village Bagru, Ajmer Road, Jaipur.
15. Bindiya Meena D/o Shri Dhuleshwar Meena, aged about 34 years, R/o Railway Colony, Jagatpura, Jaipur.
16. Hemant Kumar S/o Shri Omprakash Dobotia, aged about 31 years, R/o 80' Road, Mahesh Nagar, Jaipur.
17. Jagdish Prasad S/o Shri Lakhani Singh, aged about 38 years, R/o Plot No. 58/19A, Dhoolkot, Mount Road, Purani Basti, Jaipur.

18. Amar Rajawat S/o Shri Bala Rajawat, aged about 32 years, R/o 15, Narsingh Colony, Purani Basti, Ward No. 61, Jaipur.

....Applicants

Dr. Saugath Roy, counsel for applicants.

VERSUS

1. The General Manager, North Western Railway, Jagatpura Road, Malviya Nagar, Jaipur.
2. The Divisional Railway Manager, North Western Railway, Hasanpura, Near Old House, Jaipur.

....Respondents

Mr. P.K. Sharma, counsel for respondents.

ORDER

(Per MR. SANJEEV KUMAR KAUSHIK, JUDICIAL MEMBER)

Heard counsel for the applicants.

2. The present Original Application has been filed by the applicants praying therein that a direction be issued to the respondents to grant them the same benefits as allowed by the C.A.T., Jodhpur Bench, Jodhpur vide its order dated 12.08.2010 in the case of **Mohit Sharma and others vs. UOI & Ors.** (OA No. 243/2000), which was subsequently upheld by the Hon'ble Rajasthan High Court, Jodhpur Bench, Jodhpur by dismissing the DB Civil Writ Petition No. 10603/2010 filed at the hands of the respondents, vide its order dated 03.12.2015.

3. Learned Counsel for the applicants submits that the judgment in the aforesaid case is in rem, therefore, it is imperative upon the respondents to extend the benefits to the similarly situated persons like the applicants on their own without forcing each of them to approach the Court of Law.

4. Learned counsel for the applicants further submitted that before approaching this Court, the applicants have already served a legal notice on 07.01.2016 upon the respondents which has not been replied to by them till date. Therefore, the counsel for the applicants made a statement at the bar that the applicants would be satisfied if a direction is issued to the respondents to decide their pending legal notice dated 07.01.2016 (Annexure A/4) by passing a reasoned and speaking order in accordance with law and ratio laid down by the Jodhpur Bench of the Tribunal in the case of Mohit Sharma etc. (supra) and as upheld by the Hon'ble Rajasthan High Court, Jodhpur Bench, Jodhpur.

5. Issue notice to the respondents.

6. On our asking Shri P.K. Sharma, Advocate, Railway Counsel, accepts notice on behalf of the respondents and does not oppose the disposal of the O.A. in the above terms. However, he submitted that authorities may be granted sufficient time of at least three months to dispose of the pending legal notice of the applicants by a reasoned and speaking order.

7. Considering the above submissions and ad-idem reached between the parties and without entering into the merits of the case, we dispose of this Original Application at this stage by directing the competent authority amongst the respondents to consider and decide the pending legal notice dated 07.01.2016 (Annexure A/4) by passing a speaking and reasoned order. While deciding the legal notice of the applicants, the respondents have to keep in mind the judgment passed by the Jodhpur Bench of the Tribunal in the case of Mohit Sharma and

others (supra) as upheld by the Hon'ble Rajasthan High Court, Jodhpur Bench, Jodhpur dismissing the Writ Petition filed by the respondents. If the applicants therein are covered by the aforesaid judgment(s) then the applicants may be extended all the benefits otherwise respondents may pass a reasoned and speaking order as aforesaid.

8. Let the above exercise be carried out by the respondents within a period of three months from the date of receipt of a copy of this order. No order as to costs.



(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER



(SANJEEV KUMAR KAUSHIK)
JUDICIAL MEMBER

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