

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 19 of 2006
Original Application No. 21 of 2006

Jabalpur this the 27th day of April 2006

Hon'ble Dr. G.C. Shrivastava, Vice Chairman
Hon'ble Mrs. Meera Chhibber, Judicial Member

(1) Original Application No. 19 of 2006

Chhatilal Patel
S/o Shri Kamla Prasad Patel
Aged about 49 years
At present highly skilled
Token No.QAGE/33/60784,
R/o Subhash Nagar, Bilpura
Ranjhi, Jabalpur

Applicant

(By Advocate – Shri A.Dey on behalf of Shri S.Chakraborty)

V E R S U S

1. Union of India
Through it's Secretary,
Ministry of Defence, New Delhi.
2. Chairman/DGOF
Ordnance Factory Board,
10-A, Shaheed Khudi Ram Bose Marg,
Kolkata.
3. Sr. General Manager,
Ordnance Factory Khamaria, Jabalpur.
4. Shri N.P. Shrivastava
SPR/II/60863
Ordnance Factory Khamaria
Jabalpur.

Respondents

(By Advocate – Shri M.Chourasia)

(2) Original Application No. 21 of 2006

1. George Wilson
S/o Shri A.F. Wilson



Aged about 46 years
Token No. QAGE/70/60052,
At present Chargeeman
R/o H.No.218/1, Vidaya Nagar,
GCF Estate, Jabalpur.

Applicant

(By Advocate – Shri. A. Dey on behalf of Shri S. Chakraborty)

VERSUS

1.	Union of India Through it's Secretary, Ministry of Defence, (Production) New Delhi.	
2.	Chairman/DGOF Ordnance Factory Board, 10-A, Shaheed Khudi Ram Bose Marg, Kolkata.	
3.	Sr. General Manager, Ordnance Factory Khamaria, Jabalpur.	
4.	Shri N.P. Shrivastava SPR/II/60863 Ordnance Factory Khamaria Jabalpur.	Respondents

(By Advocate – Shri M. Chourasia)

Common Order (oral)

By Mrs. Meera Chhibber, Judicial Member

In both the OAs, the applicants have sought direction to the respondents to provide them the similar benefit in the scale of 5000-8000 on the date of completion of four years with all consequential benefits as has been given by this Tribunal in the case of Shiv Kumar on 17.12.04 passed in OA No.101/03. They have placed reliance on the judgement passed on 16.3.05 allowed by this Tribunal in OA No.978/04 at page No.13 of this OA. It is



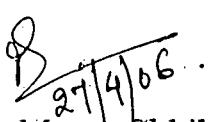
stated by the applicants that they are similarly situated as that of Subodh Kumar Karmakar. The respondents in reply have stated that the applicants are not similarly situated and they similarly situated persons have already got two promotions. Moreover, the judgement passed by this Tribunal in OA No.978/04 has been challenged by them in W.P. No.6049/2005 and the Hon'ble High Court has ^{been} pleased to stay the operation of judgement dated 16.3.2005 passed in OA No.978/04 copy annexed as Annexure-R2.

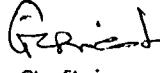
2. Since the whole case of the applicants is based on the judgement of OA No.978/04 and the said judgment had already been challenged by the respondents before the Hon'ble High Court of Madhya Pradesh, naturally they would have to await the outcome of aforesaid Writ Petition.

3. We are informed both the counsels that the Writ Petition is still pending before the Hon'ble High Court, it goes without saying that ultimately whatever decision is taken by the Hon'ble High Court would be binding on all those persons, who are found to be similarly situated persons by the department. Since both the counsels submitted that these OAs ^{may be} disposed of, in terms of orders passed on 26.4.2006 in OA No.459/05 and connected OAs. Both these OAs ^{also} are disposed of by observing that ultimately if the respondents find that the applicants hereunder are similarly situated as that of Shri Subodh Kumar Karmakar and the Writ Petition is decided in favour of Shri Subodh Kumar Karmakar, such of the applicants would also be entitled for the same relief. If however, respondents find that some of the applicants are not similarly situated as that of Subodh Kumar Karmakar, they shall pass reasoned order explaining, the reasons by the benefit of Subodh Kumar Karmakar's judgment cannot be extended to them.

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4. With the above observations both the above OAs are disposed of. No order as to costs. Copy of this order be kept in each file.


27/4/06
(Mrs. Meera Chhibber)
Judicial Member


(Dr. G.C. Srivastava)
Vice Chairman

skm