

**Central Administrative Tribunal  
Jabalpur Bench**

OA No.462/05

Jabalpur this the 5th day of May 2006.

**C O R A M**

Hon'ble Dr.G.C.Srivastava, Vice Chairman  
Hon'ble Ms.Sadhna Srivastava, Judicial Member

Shankaran M.K.  
S/o late Shri Kelan  
R/o 182 Tulshi Nagar, Ranjhi  
Dist. Jabalpur.

Applicant

(By advocate: Shri S.Chakravorty)

Versus

1. Union of India  
Through the 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 Ram Kripal  
A.3/116/60883  
Ordnance Factory Khamaria  
Jabalpur.

Respondents.

(By advocate Shri P.Shankaran)

**ORDER**

**By Ms. Sadhna Srivastava, Judicial Member**

Applicant is seeking same relief as in OA No.978/04 allowed by this Tribunal in favour of Shri Subodh Kumar Karmakar vide order dated 16.3.2005.



2. As alleged in the OA, applicant is similarly situated as Shri Subodh Kumar Karmakar, which fact is denied by respondents in the reply.

3. In this case, the applicant has relied on judgment dated 16th March 2005 and has prayed for providing him the similar benefit in the scale of Rs.5000-8000 on completion of 24 years of service with consequential benefits, including the arrears of the ACP benefit with interest.

4. We have heard the counsel for both parties and perused the pleadings as well.

5. Since the applicant has relied on the judgment dated 16<sup>th</sup> March 2005, which has admittedly been assailed by the respondents before the Hon'ble High Court of Madhya Pradesh by filing writ petition No.6049/2005 and by order dated 22.7.2005 operation of the judgement dated 16.3.2005 passed by this Tribunal in OA No.978/2004 has been stayed, naturally the applicant would have to await the outcome of the aforesaid writ petition. Since the matter 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 the department, if <sup>applicant</sup> is found to be similarly situated.

6. Therefore this OA is disposed of by observing that ultimately if respondents find that the applicant herein is similarly situated as that of Shri Subodh Kumar Karmakar and the writ petition is decided in favour of Subodh Kumar Karmakar, the applicant would also be entitled for the same relief. If, however, respondents find that applicant in the present OA is not similarly situated as that of Shri Subodh Kumar Karmakar, they shall pass a reasoned order explaining

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the reasons why the benefit of the judgement in the case of Shri Subodh Kumar Karamkar cannot be extended to the applicant.

7. With the above observation, OA is disposed of. No costs.

*Sadhna Srivastava*  
(Ms. Sadhna Srivastava)  
Judicial Member

*G.C. Srivastava*  
(Dr. G.C. Srivastava)  
Vice Chairman

aa.

पृष्ठांकन सं ओ/ज्या.....जबलपुर, दि.....

संज्ञिक विषय का विवरण:-

- (1) सविनयन के लिए प्रस्ताव, जबलपुर
- (2) आवेदन सं/.....काउंसिल
- (3) प्रत्यक्षी ओ/.....काउंसिल
- (4) अध्यक्ष, कोषाध्यक्ष, सचिव एवं आचार्यक सदस्यों के सुचना एवं आचार्यक सदस्यों के

*S. Chakravarty*  
*P. Shankaran*

*[Signature]*  
उप युजिस्ट्रार

*70/5/06*