

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR

BENCH, JABALPUR

Original Application No. 459 of 2005

Original Application No. 460 of 2005

Original Application No. 461 of 2005

Original Application No. 497 of 2005

Original Application No. 499 of 2005

Original Application No. 500 of 2005

Original Application No. 613 of 2005

Original Application No. 614 of 2005

Original Application No. 615 of 2005

Original Application No. 616 of 2005

Original Application No. 619 of 2005

Jabalpur, this the 26th day of April, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman

Hon'ble Mrs. Meera Chhibber, Judicial Member

1. Original Application No. 459 of 2005 -

Narayan Prasad Applicant

2. Original Application No. 460 of 2005 -

Prahald Makode Applicant

3. Original Application No. 461 of 2005 -

Fauzdar Applicant

4. Original Application No. 497 of 2005 -

Chindhya Desh Mukh Applicant

5. Original Application No. 499 of 2005 -

R.N. Kewat Applicant

6. Original Application No. 500 of 2005 -

Narayan Rao Applicant

7. Original Application No. 613 of 2005 -

Gopal Prasad Applicant

8. Original Application No. 614 of 2005 -

Roop Lal Patel Applicant

9. Original Application No. 615 of 2005 -

Munna Lal Applicant

10. Original Application No. 616 of 2005 -

A.P. Singh Applicant

11. Original Application No. 619 of 2005 -

S.K. Choubey & Ors. Applicant

(By Advocate – Shri S. Chakravorty in all the OAs)

V e r s u s

Union of India & Ors. Respondents
in all the OAs

(By Advocate – Shri P. Shankaran in OAs Nos. 460/2005, 461/2005,
613/2005, 614/2005, 616/2005 & 619/2005 and Shri
S.A. Dharmadhikari in OAs Nos. 500/2005,
615/2005, 459/2005, 497/2005 & 499/2005)

Common O R D E R (Oral)

By Mrs. Meera Chhibber, Judicial Member -

The applicants of all these OAs are seeking the same relief as was the relief in OA No. 978/2004 allowed by this Tribunal in favour of Shri Subodh Kumar Karmakar vide its judgment dated 16th March, 2005.

2. In all these OAs the applicants have stated that they are similarly situated as that of Shri Subodh Kumar Karmakar which fact is denied by



the respondents in some cases. In all the cases applicants have relied on judgment dated 16.3.2005; and to provide them the similar benefit in the scale of Rs. 5000-8000/- on the date of completion of 24 years of service with all consequential benefits including arrears of ACP benefits with interest.

3. We have heard both the counsel and perused the pleadings as well.

4. Since in all these cases applicants have relied on the judgment dated 16th March, 2005 which has admittedly been assailed by the respondents before the Hon'ble High Court of Madhya Pradesh in Jabalpur by filing WP No. 6049/2005 (Annexure R-2 in OA No. 619/2005) and by order dated 22.7.2005 operation of the judgment dated 16.3.2005 passed by this Tribunal in OA No. 978/2004 has been stayed, naturally they would have to await the outcome of aforesaid Writ Petition.

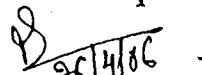
5. We are informed by both the counsel that the Writ Petition is still pending before the Hon'ble High Court. Since the matter is pending before the Hon'ble High Court, it goes without saying that ultimately whatever decision is taken by the Hon'ble High Court would be binding on all those persons, who are found to be similarly situated persons by the department.

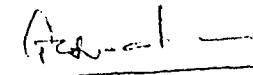
6. Therefore, all these OAs are disposed of by observing that ultimately if respondents find that the applicants hereunder are similarly situated as that of Shri Subodh Kumar Karmakar and the Writ Petition is decided in favour of Shri Subodh Kumar Karmakar, such of the applicants would also be entitled 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.

7. With the above observations all these OAs are disposed of. No costs. Copy of this order be kept in each file.

8. The Registry is directed to supply the copy of memo of parties to the concerned parties while issuing the certified copies of this order.


36/4/86
(Mr. Meera Chhibber)
Judicial Member


(Dr. G.C. Srivastava)
Vice Chairman

"SA"