BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

AT JABALPUR

O.A. NO. 617/2005

Ambika Prasad **APPLICANT.**

Versus.

Union of India and Others **RESPONDENTS.**

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL'S ACTS, 1985.

1. PARTICULARS OF THE APPLICANTS

1. Ambika Prasad
S/o Shri Ganga Prasad Ramje
Aged about years
Token No. ME/47/60658,
R/o 530, Kishorilal Yadav ka Bada,
Ghamapur Chowk, Jabalpur

2. PARTICULARS OF THE RESPONDENTS

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 Amarnath
CTR/151/60869
Ordnance Factory Khamaria,
Jabalpur

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Ordnance Factory Khamaria,
Jabalpur

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT JABALPUR

O.A. NO. 20/2006

Shiv Kumar **APPLICANT.**

Versus.

Union of India and Others **RESPONDENTS.**

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL'S ACTS, 1985.

1. PARTICULARS OF THE APPLICANTS

1. Shiv Kumar
S/o Shri Makkhan Lal
Aged about 53 years
At present chargeman,
Token No. QAGE/12/69623,
R/o H. No. 106, Behind Kasturba Nagar Post Office,
Kanchghar, Jabalpur

2. PARTICULARS OF THE RESPONDENTS

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 Uday Chand
A-3/9/60885
Ordnance Factory Khamaria,
Jabalpur

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 617 of 2005
Original Application No. 20 of 2006

Pre-delivery order in the aforesaid Original Applications is sent herewith for your kind consideration please.

(A.K. Gaur)
Judicial Member
26.9.06

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

I agree.

27/9/2006

Hon'ble JM

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 617 of 2005
Original Application No. 20 of 2006

Jabalpur, this the 28th day of September, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Mr. A.K. Gaur, Judicial Member

Ambika Prasad ... Applicant in OA No. 617 of 2005

Shiv Kumar ... Applicant in OA No. 20 of 2006

(By Advocate - Shri S. Chakravorty in both the OAs)

Versus

Union of India & Others. ... Respondents in both the OAs

(By Advocate - Shri P. Shankaran in OA No. 617/2005 and Shri A.P. Khare in OA No. 20/2006)

ORDER
(Common)

By A.K. Gaur, Judicial Member -

Since the issue involved in both the cases is common and the facts and grounds raised are identical, for the sake of convenience, we decide these Original Applications by this common order.

2. Applicants are seeking same relief as in OA No. 978/2004 allowed by this Tribunal in favour of Shri Subodh Kumar Karmakar vide order dated 16.3.2005.

3. As alleged in the OAs, applicants are similarly situated as Shri Subodh Kumar Karmakar, which fact is denied by respondents in the reply.

4. In these cases, the applicants have relied on judgment dated 16th March, 2005 and have prayed for providing them 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.

They have also relied upon the judgment passed by the Hon'ble High Court of Madhya Pradesh in Writ Petition No. 6049/2005 on 6.7.2006. This Writ Petition has been filed by the respondents challenging the order passed by the Tribunal in OA No. 978/2004 (Subodh Kumar Karmakar Vs. Union of India and others). The Hon'ble High Court has dismissed the Writ Petition.

5. The learned counsel for the respondents has relied upon the order passed by this Tribunal in OA No. 462 of 2005 dated 5th May, 2006 (Shankaran M.K. Vs. Union of India & Ors.). He further argued that similar orders be also passed in the present cases. The learned counsel for the applicants has also agreed to this argument advanced by the learned counsel for the respondents.

6. We have heard the counsel for both the parties and perused the pleadings and judgments cited by both the parties.

7. The Tribunal in OA No. 462/2005 has passed the following order :

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

We find that similar issue has already been dealt with by this Tribunal. Therefore, the decision so rendered in the aforesaid Original Application No. 462/2005 shall mutatis mutandis applicable to the present cases as well.

8. Accordingly, the Original Applications are disposed of with the observation that ultimately if respondents find that the applicants herein are similarly situated as that of

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Shri Subodh Kumar Karmakar, the applicants would also be entitled for the same relief. If, however, respondents find that applicants in the present OAs are not similarly situated as that of Shri Subodh Kumar Karmakar, they shall pass a reasoned order explaining the reasons why the benefit of the judgment in the case of Shri Subodh Kumar Karamkar cannot be extended to the applicant. No order as to costs.

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

(A.K. Gaur)
Judicial Member

(Dr. G.C. Srivastava)
Vice Chairman

"SA"

पृष्ठांकन सं ओ/न्या...../.....जबलपुर, दि.....
प्रतिलिपि अग्रेषित
(1) ..... जबलपुर
(2) .....के काउंसल S. Chakrabarty
(3) प्रत्य..... .....के काउंसल P. Shankaran
(4) संबंधित.....
सूचना एवं आवश्यक कार्यवाही हेतु
29/9/06
उप रजिस्ट्रार

D.P. Khare

Issued
on 29/9/06