

CENTRAL ADMINISTRATIVE TRIBUNAL

JABALPUR BENCH

CIRCUIT AT INDORE

O.A. NO.582/2002

This the 2nd day of September, 2003.

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

HON'BLE SHRI J. K. KAUSHIK, MEMBER (J)

S.G.Jain,
Retired Administrative Officer,
All India Radio, Indore.

... Applicant

(By Shri A.N.Bhatt, Advocate)

-versus-

1. Union of India through
Director General,
All India Radio,
Government of India,
Akashvani Bhawan,
Parliament Street,
New Delhi-110001.

2. Station Director,
All India Radio, Shemla Hills,
Bhopal-162002 (MP).

3. Station Director,
All India Radio, Malwa House,
Indore, MP.

... Respondents

(By Shri Vivek Saran, Advocate)

O R D E R (ORAL)

Shri V. K. Majotra, Member (A) :

Applicant has challenged Annexure A-1 dated 22.2.2000 whereby respondents have rejected applicant's representation dated 1.2.2000 seeking extension of the benefit of judgment in O.A. No.562/1990 in the case of Suresh Kumar D. v. Union of India & Ors. Respondents have stated that the benefit extended to Shri Suresh Kumar in that O.A. is specific to the applicant therein and similarly placed persons would not get the benefit of the judgment.

W

2. Respondents have not filed their reply despite the last opportunity having been granted to them. As such, we have proceeded to decide this O.A. deeming that pleadings in the case are complete. We have heard the learned counsel on either side as well as perused the material on record.

3. Applicant's case is that although he is senior to Shri Suresh Kumar and Shri C.L.Thakur who have been granted promotion to the post of Administrative Officer, applicant was not considered in the relevant DPCs for the post of Administrative Officer. Seniority list at Annexure A-3 confirms that applicant is senior to Shri Suresh Kumar, Shri V.T.Manjwani as well as Shri C.L.Thakur. All these persons have been granted promotion to the post of Administrative Officer on the basis of judgments passed in their cases.

4. It is not denied that applicant is senior to S/Shri Suresh Kumar, V.T.Manjwani and C.L.Thakur. When that is so, respondents have no reason with them to deny consideration and promotion to applicant with effect from the date his junior Shri C.L.Thakur was granted promotion on the post of Administrative Officer on 6.3.1989.

5. We are constrained to observe that respondents are not treating similarly placed persons in the same manner. They are treating them differently. Such an attitude of respondents pushes persons aggrieved to the Court. In Ajay Jadhav v. Government of Goa & Ors., 2000 (1) SLJ 223, and A.K.Khare v. Union of India, ATR 1988 (2) CAT 518, it was held that respondents would be well advised to extend the benefit of judgments

U

of courts and tribunals which have become final to all employees similarly placed and not drive each one of them to seek redressal of their grievances before the Tribunal.

6. Under the circumstances, this O.A. is disposed of with a direction to respondents to extend the benefit of the Jabalpur Bench order dated 13.3.1999 in Suresh Kumar's case (supra) to the present applicant also although applicant has retired w.e.f. 30.9.1997. He shall be granted notional promotion w.e.f. the date his junior Shri Suresh Kumar was granted promotion on the post of Administrative Officer. His retiral benefits shall be fixed accordingly and granted within a period of three months from the date of communication of these orders. It is clarified that applicant shall not be entitled to any arrears up to the date of his retirement and the retiral dues shall be paid on actual basis.

No costs.

JK Kaushik
(J. K. Kaushik)
Member (J)

V.K. Majotra
(V. K. Majotra)
Member (A)

/as/

For Vivek Sharan

Ashu

17/9/03

कृतांकन सं. ओ/न्या..... जबलपुर, दि.....
प्रतिलिपि अब्दे दित:-

- (1) एमी. एस. विवेक शरण बार एसोसिएशन, जबलपुर
- (2) एमी. एस. विवेक शरण बार एसोसिएशन, कोउंसल
- (3) एमी. एस. विवेक शरण बार एसोसिएशन, कोउंसल
- (4) एमी. एस. विवेक शरण बार एसोसिएशन, जबलपुर न्यायपीठ

सूचना एवं आवश्यक कार्यवाही हेतु

A. N. Bhatt - Rakha Add-
V. Saran Add-
Sh. S. S. Hanch
निलक्षण
15.9.03