

CENTRAL ADMINISTRATIVE TRIBUNAL: JABALPUR BENCH

1. OA No.418/2002
2. OA No.610/2002
3. OA No.611/2002
4. OA No.837/2002

Jabalpur this the 24th day of March, 2003.

Hon'ble Mr. Shanker Raju, Member (Judl.)

Hon'ble Mr. R.K. Upadhyaya, Member (Admv)

OA No.418/2002

- | | | |
|------|-----------------|-----------------|
| (1) | D.K. Patil | L A O (A) J B P |
| (2) | Peter Khesh | — " — |
| (3) | Agapit Turkey | — " — |
| (4) | M.K. Jaiswal | — " — |
| (5) | D.K. Dubey | — " — |
| (6) | B.S. Maravi | — " — |
| (7) | Deepak Bajpai | — " — |
| (8) | R.S. Meena | — " — |
| (9) | M.K. Sylvester | — " — |
| (10) | Ashok Nafade | C D A J B P |
| (11) | Rajaram Srivas | — " — |
| (12) | A.H.K. Subbaiya | — " — |
| (13) | S.K. Gour | — " — |
| (14) | S.K. Joshi | — " — |
| (15) | S.R. Barapatre | — " — |
| (16) | E. Ekka | — " — |
| (17) | S. Ekka | — " — |
| (18) | V.P. Rao | — " — |
| (19) | R.N. Prasad | — " — |
| (20) | A.M. Bagaddeo | — " — |
| (21) | B.D. Lawana | — " — |
| (22) | R.K. Jha | — " — |
| (23) | R.C. Mehta | — " — |
| (24) | A.K. Murab | — " — |
| (25) | K.S. Gautam | — " — |

- (26) S.K. Nayak CDA, Jabalpur
- (27) Arun Bajpai ——— " ———
- (28) D.H. Hindoria ——— " ———
- (29) R.S. Gond ——— " ———
- (30) S.V. Ahirkar ——— " ———
- (31) Mathias Toppo ——— " ———
- (32) A. Ekka ——— " ———
- (33) A.K. Vishwakarma ——— " ———
- (34) L.L. Markam ——— " ———
- (35) A.K. Saxena ——— " ———
- (36) Pyarelal Lariya ——— " ———
- (37) Pritamlal Patel ——— " ———
- (38) V.S. Fadnavis ——— " ———
- (39) Akhilesh Kumar Saxena ——— " ———
- (40) D.R. Bele ——— " ———
- (41) S.K. Gupta ——— " ———
- (42) D.K. Dubey ——— " ———
- (43) S.K. Sharma ——— " ———
- (44) G.S. Dubey ——— " ———
- (45) R.D. Deshpandey ——— " ———
- (46) D.S. Gujral ——— " ———
- (47) A.M. Mansoori ——— " ———
- (48) S.P. Dubey ——— " ———
- (49) N. Tirkey ——— " ———
- (50) G.C. Maravi ——— " ———
- (51) A.K. Bhattacharjee ——— " ———
- (52) K.L. Oberoi ——— " ———
- (53) M.B. Gedam ——— " ———
- (54) V.S. Indhankar ——— " ———
- (55) Smt. Suniti Joshi ——— " ———
- (56) Smt. Subha Anand Ahirkar ——— " ———

- (88) John Lakra
(89) V.P. Kumbalwar
(90) K.C. Sonkar
(91) B.D. Khatik
(92) P.K. Yadav
(93) C. Kujur

- (94) K.C. Mitra
(95) B.S. Adhikari
(96) R.C. Verma
(97) D.P. Baghel
(98) R.R. Barman

- (99) A.K. Thapak
(100) William Lakra

- (101) L.K. Bhatia
(102) Smt. Sumita Ghosh
(103) Smt. Sushma Lamba
(104) Jawahar Lal

- (105) J.P. Bajpai
(106) G.P. Dubey
(107) P. Das Gupta
(108) K.R. Armoo

- (109) Mishrilal
(110) P. Tirkey
(111) K.K. Parihar
(112) R.K. Tirkey
(113) Paras Nath Singh
(114) R.P. Gupta
(115) Dhaniram Kol
(116) C.B. Kori
(117) B.C. Dhurvey
(118) B.L. Choudhari

(119) Smt. P. Panna

(120) Bidut Roy

(121) K.J. Tamgadge

(122) R.K. Singhi

(123) F.S. Rawat

(124) S.K.J. Michael

(125) A.V. Shrivastava

(126) D.K. Tiwari

(127) P. Ghirnikar

(128) D.N. Seth

(129) N.K. Shukla

(130) N.P. Dubey

(131) C.P. Mandhan

(132) Anil Dhanyabad

(133) J.K. Joshi

(134) G.S.K.M. Sud

(135) O.P. Bhatia

(136) S.K. Jain

(137) K.S. Marco

(138) A.K. Rajurkar

(139) D.C. Gawale

(140) Smt. Santosh Dixit

(141) Smt. S.P. Jain

(142) Smt. Gayatri Patel

(143) Smt. Grace Xalxo

(144) Smt. Sushmita Roy

(145) Smt. Mala Roy

(146) Smt. Suman Agrawal

(147) Smt. Shashikala Varma

(148) Smt. Leelavati Kori

(149) Ranjan Kumar Dixit

PAO (ORS) Signals, Jabalpur

PAO (ORS) JNK^{Rifle}, Jabalpur

(150) D.P. Srivas	PAO (ORS) JAK, Jabalpur
(151) N.S. Gour	"
(152) T.P. Tiwari	"
(153) Kulbhushan Chopra	"
(154) S.K. Raikwar	"
(155) Prashant Purohit	"
(156) Shailandra Shailani	"
(157) S.P. Meena	"
(158) Ravi Kumar Goyal	"
(159) Shiv Kumar Pegwar	"
(160) Bishan Lal Meena	"
(161) Smt. Lily Kindo	"
(162) R.K. Rawatia	"
(163) Smt. Shail Kumari Srivas	"
(164) Y.B. Dwivedi	"
(165) Smt. Suja Thomas	Retd. CDA, Jabalpur
(166) Smt. Nabnita Sarkar	"
(167) N.P. Tiwari	Retd. RAO (MES), Jabalpur
(168) M.P. Shrivastava	Retd. CDA, Jabalpur
(169) R.N. Dutta	Retd. PAO (ORS), JAK, Jabalpur
(170) A.R. Pawanaskar	Retd. PAO (ORS), Signals, Jabalpur
(171) V.R. Choudhari	Retd. UAGE(W), Jabalpur
(172) U.H. Ahirwar	LAO (S) COD, Jabalpur
(173) P. B. Bagde	PAO (ORS) JAK, Jabalpur
(174) S.R. Jhariya	"
(175) B.P. Namdeo	AAO BSO(W), Jabalpur
(176) R.K. Dixit	PAO (ORS) JAK, Jbp
(177) Rakesh Gupta	"
(178) Smt. Vimal Bajaj	Retd. PAO (ORS) GRC, Jbp
(179) J.P. Vishwakarma	CDA, Jabalpur
(180) Smt. C. Sujata	Retd. PAO (ORS) Signals, Jbp
(181) G. P. PAGARE.	AAO GE(E), Jbp
(182) R. N. SWARNKAR	RAO (MES), Jbp
(183) K. J. PHILIP	"
(184) R. S. MARAVI	"

VERSUS

Respondents

1. The Union of India
Through the Secretary
Ministry of Personnel, Public Grievances
and Pension [Department of Personnel & Training]
North Block, New Delhi - 110011
2. The Union of India
Through the Secretary
Ministry of Finance
Department of Expenditure
North Block, New Delhi - 110011
3. The Union of India
Through the Secretary,
Ministry of Defence,
South Block, New Delhi - 110011
4. The Controller General of Defence
Accounts
West Block 5, R.K. Puram, New Delhi 110066
5. The Controller of Defence
Accounts, Jabalpur
Ridge Road, Jabalpur 482001

Applicants

- ... 1. Shri Janki Prasad Pathak
S/o Shri R.P. Pathak
Aged about 59 years
2. Shri Om Prakash Sonkar
S/o Shri M.L. Sonkar
Aged about 49 years
3. Shri Ravindra Manohar
Panchbhai
S/o Late M.V. Panchbhai
Aged about 49 years
4. Shri Munna Lal Sahu
S/o Late Sobha Ram Sahu
Aged about 56 years
5. Shri Mahadeo Prasad Kori
S/o Shri Mohan Lal Kori
Aged about 52 years
6. Shri Gajanan Vishnu Wagh
S/o Late V.K. Wagh
Aged about 53 years
7. Shri Vijay Kumar Pathak
S/o Late R.M. Pathak
Aged about 49 years
8. Shri Dinesh Chand Jain
S/o Late Lakhmi Chand Jain
Aged about 53 years
9. Shri Hari Shankar Tiwari
S/o Late Raghuvar Prasad
Tiwari
Aged about 56 years
10. Smt. Neelam Sabarwal
W/o Shri H.C. Sabarwal
Aged about 48 years
11. Shri Mahesh Prasad Choubey
S/o Shri B.L. Choubey
Aged about 53 years
12. Shri Swatantra Kumar Katheria
S/o Late Radha Krishnan
Aged about 54 years

13. Shri Bal Mukund Mishra
S/o Late P.N. Mishra
Aged about 52 years
14. Shri Beni Prasad
S/o Late Sarda Prasad
Aged about 51 years
15. Shri Rudolf Tirkey
S/o Late Moris Tirkey
Aged about 53 years
16. Shri Ashok Kumar Barsaiyan
S/o Late C.L. Barsaiyan
Aged about 53 years
17. Shri C.L. Dahayat
S/o Late Dhani Ram
Aged about 56 years
18. Shri Clement David
S/o Late B. David
Aged about 47 years
19. Shri Ravendra Singh
S/o Late Arjun Singh
Aged about 43 years
20. Shri Mahesh Chandra Khare
S/o Late Vidur Jee Khare
Aged about 57 years
21. Shri Murari Lal
S/o Kunj Bihari Lal
Aged about 42 years
22. Shri Om prakash Sharma
S/o Late R.L. Sharma
Aged about 59 years
23. Shri Fuljens Kujur
S.o Late Jai Ram Kujur
Aged about 52 years
24. Shri R.P. Dhur we
S/o Late Ghamira Singh
Aged about 43 years
25. Shri Khimmo Lal Choudhary
S/o Late B.L. Choudhary
Aged about 48 years

26. Shri Heera Lal Gupta
S/o Shri G.L. Gupta
Aged about 54 years
27. Shri Sunder Lal Koshta
S/o Late D.L. Koshta
Aged about 52 years
28. Shri Jamuna Prasad Kanojia
S/o Late B.L. Kanojia
Aged about 50 years
29. Smt. Manju Chatterjee
W/o Shri T.K. Chatterjee
Aged about 48 years
30. Smt. Bano Begam Khan
W/o Mohd. Sharif Khan
Aged about 38 years
31. Smt. Laxmi Koshta
W/o Shri J.P. Koshta
Aged about 49 years
32. Shri Kanchedi Lal Patel
S/o Late S.P. Patel
Aged about 54 years
33. Shri Ram Babu Gupta
S/o Late K.R. Gupta
Aged about 49 years
34. Shri Jagdish Prasad Dahayat
S/o Late B.L. Dahayat
Aged about 58 years
35. Shri Dashrath Kumar
S/o Late Ganesh Prasad
Aged about 52 years
36. Smt. Asha Sardana
W/o Shri R.K. Sardana
Aged about 49 years
37. Smt. Kiran Saxena
W/o Shri V.K. Saxena
Aged about 51 years
38. Smt. Mary Joseph
W/o Shri M. Joseph
Aged about 48 years

39. Shri Swapan Das
S/o Late M.L. Das
Aged about 46 years
40. Shri Vasudeo Rao Kadoo
S/o Late K.R. Kadoo
Aged about 51 years
41. Shri Bhoopat Singh Parte
S/o Late Jhadulal Parte
Aged about 58 years
42. Shri Rajendra Prasad Koshta
S/o Shri N.L. Koshta
Aged about 42 years
43. Shri Joyman Baxla
S/o Shri Johan Baxla
Aged about 49 years
44. Shri Sunder Lal Nandeha
S/o Late Dhuliya
Aged about 53 years
45. Shri Sita Ram Gond
S/o Shri D.S. Gond
Aged about 51 years
46. Shri Arisinius Ekka
S/o Shri Lazrus Ekka
Aged about 56 years
47. Shri Anthres Lakra
S/o Late Vincent Lakra
Aged about 49 years
48. Smt. Ramkali Singram
W/o Shri S.L. Singram
Aged about 47 years
49. Shri Nasibuddin
S/o Salimuddin Khan
Aged about 52 years
50. Shri Suresh Kumar Malviya
S/o Shri Gendlal Malviya
Aged about 50 years
51. Shri Eapen Thekkedath Chacko
S/o T.G. Chacko
Aged about 39 years

52. Shri P.K. Dubey
S/o Late C.P. Dubey
Aged about 39 years
53. Shri A.K. Jadhav
S/o Late J.R. Jadhav
Aged about 53 years
54. Shri R. Satyadas
S/o Late R. Raman
Aged about 54 years
55. Shri Ravi Shankar Dubey
S/o Shri B.P. Dubey
Aged about 48 years
56. Shri A.K. Bichpuria
S/o Shri N.L. Bichpuria
Aged about 41 years
57. Shri Badri Prasad Sen
S/o Late Suraj Das Sen
Aged about 50 years
58. Smt Sabita Mukherjee
W/o Late S.K. Mukherjee
Aged about 46 years
59. Smt. Saroj Bala Sharma
W/o Surendra Sharma
Aged about 46 years
60. Smt. P. Dhore
W/o Shri K.W. Dhore
Aged about 51 years
61. Shri B.S. Pawar
S/o late Dayaram Singh Pawar
Aged about 52 years
62. Shri S.K. Soni
S/o Shri P.C. Soni
Aged about 57 years
63. Smt. Shikha Dhar
W/o Shri D. Dhar
Aged about 46 years
64. Shri G.A. David
S/o Late J. David
Aged about 51 years

65. Shri Samar Kumar Banerjee
S/o Late P. Banerjee
Aged about 42 years
66. Shri Moharram Ali
S/o Late Abdul Razzak
Aged about 52 years
67. Shri Ram Prakash Kori
S/o Late Kandhi Lal
Aged about 53 years
68. Shri Chunni Lal Kapoor
S/o Shri K.L. Kapoor
Aged about 52 years
69. Shri Hukum Chand Ahirwar
S/o Neel Kanth
Aged about 52 years
70. Shri Deepak Kumar Basu
S/o Late B.B. Basu
Aged about 48 years
71. Smt Namita Das
W/o Shri M.R. Das
Aged about 46 years
72. Smt. Anjela Kujur
W/o Shri C.D. Kujur
Aged about 52 years
73. Shri S.K. Kothare
S/o Late P.V. Kothare
Aged about 47 years
74. Krishna Kumar Burman
S/o Late Dasal Ram
Aged about 50 Years
75. Shri Melcuse Clayburn
S/o Late Dasal Ram
Aged about 50 years
76. Shri Carolus Xess
S/o Late J.R. Clayburn
Aged about 53 years
77. Shri Janki Prasad Karosia
S/o Late P.L. Karosia
Aged about 54 years

78. Shri Tapas Kumar Naha Roy
S/o Shri T.N. Roy
Aged about 42 years
79. Chandra Shekhar Prasad
S/o Late B.N. Prasad
Aged about 40 years
80. Sardar Harjeet Singh Pal
S/o Late S.G.S. Pal
Aged about 48 years
81. Shri Shankar Lal Tantuway
S/o Sughrailal
Aged about 52 years
82. Shri Charles Bruce
S/o Shri A. Bruce
Aged about 42 years
83. Shri Tobias Kujur
S/o Late Joseph Kujur
Aged about 48 years
84. Shri Gyan Chand Jaiswal
S/o Late M.L. Jaiswal
Aged about 50 years
85. Shri Ratri Bhattacharya
S/o Shri R.N. Bhattacharya
Aged about 45 years
86. Shri Bansilal Chouhatail
S/o Late N.P. Chouhatail
Aged about 51 years
87. Shri Pankoolal Marko
S/o Late Katiya Marko
Aged about 55 years
88. Shri Anil Kumar Jaiswal
S/o Shri J.N. Jaiswal
Aged about 51 years
89. Shri Kumar Kant Awasthy
S/o Late S.L. Awasthi
Aged about 48 years
90. Shri Suresh Kumar Rathi
S/o S.L. Rathi
Aged about 43 years

91. Shri K.S. Zodape
Shri Sitaram Zodape
Aged about 50 years
92. Shri Mohan Lal Bain
S/o Late Ghaseta
Aged about 52 years
93. Shri Susanta Kumar Sen
S/o Late H.K. Sen
Aged about 52 years
94. Shri Sushil Kumar Patel
S/o Late J.L. Patel
Aged about 52 years
95. Shri Philip Kis patta
S/o Late Sani Kis patta
Aged about 53 years
96. Shri Narayan Singh Thakur
S/o Shri C.L. Thakur
Aged about 54 years
97. Shri Hari Shankar Khare
S/o Late J.P. Khare
Aged about 42 years
98. Shri Brajesh Kumar Tiwari
S/o Late I.P. Tiwari
Aged about 42 years
99. Shri Christopher Tigga
S/o Late A. Tigga
Aged about 48 year
100. Shri Alois Tirkey
S/o Shri Vincent Tirkey
Aged about 51 years
101. Smt V. Roy
W/o Shri B.D. Roy
Aged about 51 years
102. Shri Basu Dev Roy
S/o Late P.B Roy
Aged about 49 years
103. Smt Nirmala Pushpa Khesh
W/o Late F. Khesh
Aged about 47 years

104. Shri Govardhan Lal Kori
S/o Late P.L. Kori
Aged about 51 years
105. Shri Yudhvir Singh Rajput ✓
S/o Shri Hira Singh Rajput
Aged about 52 years
106. Shri Ram Chandra Nema
S/o Late K.C. Nema
Aged about 54 years
107. Shri Kishore
S/o Late Vishwanath Raut
Aged about 46 years
108. Shri Jagannath Gupta
S/o Late R.S. Gupta
Aged about 52 years
109. Smt. Rani Ganguli
W/o Shri S.K. Ganguli
Aged about 49 years
110. Shri Shankar Lal Kori
S/o Late Raghubeer Prasad
Aged about 49 years
111. Shri Vijay Kumar Sharma
S/o Shri H.D. Shastri
Aged about 51 years
112. Shri Sunder Lal Soni
S/o Late M.L. Soni
Aged about 55 years
113. Shri Ganesh Ram
S/o Shri Shiv Poojan Ram
Aged about 52 years
114. Shri Raphael Raj Durai
S/o Late P.T. Durai
Aged about 47 years
115. Shri Sharda Prasad Kori
S/o Late Baldeo Prasad
Aged about 53 years
116. Shri J.M. Jangde
S/o Late Mohan Jangde
Aged about 51 years

117. Shri Amar Nath Sonkar
S/o Late Basant Lal Sonkar
Aged about 43 years
118. Shri A.B. Wanjari
S/o Late B. Wanjari
Aged about 55 years
119. Shri Onkar Prasad Dubey
S/o Late P.S. Dubey
Aged about 57 Years
120. Shri S.K. Choubey
S/o Late Laxmi Prasad
Choubey
Aged about 52 years
121. Shri Deo Kumar Jain
S/o Late R.C. Jain
Aged about 49 years
122. Shri S.S. Rajput
S/o Late Chhote Lal Rajput
Aged about 50 years
123. Shri Kishore Kumar Dwivedi
S/o Late G.C. Dwivedi
Aged about 47 years
124. Shri Balwant Singh
S/o Late Sher Singh
Aged about 50 years
125. Shri Rajkumar Mishra
S/o Late Arvind Kumar
Aged about 54 years
126. Shri S.K. Trivedi
S/o Late Gaya Prasad Trivedi
Aged about 52 years

Applicant No. 1 to 126 are Senior Auditors in the Accounts
Office Vehicle Factory Jabalpur, (M.P.)

VERSUS

1. Union of India through the Secretary,
Ministry of Defence, New Delhi.
2. Controller General of Defence Accounts,
West Block, R.K. Puram, New Delhi-46.
3. Principal Controller of Accounts (Fys.)
10-A, S.K. Bose Road, Kolkata-1 (WB).
4. Controller of Finance & Accounts,
Vehicle Factory, Jabalpur (M.P.)

-Respondents

1. Shri Suraj Kumar Jaiswal
S/o Shri S.P. Jaiswal
Aged about 43 years
2. Shri Anil Kumar Minj
S/o Shri Ignatius Minj
Aged about 47 years
3. Shri Michael Anthony
S/o Sub Major Sam Anthony
Aged about 55 years
4. Shri A.K. Puranik
S/o Late B.D. Puranik
Aged about 51 years
5. Shri Ramesh Kumar
S/o Late Ram Kumar Tiwari
Aged about 44 years
6. Shri S.R. Nalin
S/o Shri M. Prasad
Aged about 59 years
7. Shri Gulab Prasad Choudhary
S/o Shri Ram Jeevan
Aged about 52 years
8. Shri S.K. Talukdar ✓
S/o Late S.P. Talurdar
Aged about 59 years
9. Shri C.D. Pramanik
S/o Shri S.B. Pramanik
Aged about 49 years
10. Shri Lekh Raj Bain
S/o Shri Premlal Bain
Aged about 43 years
11. Shri Mohanlal
S/o Shri Mahadeo
Aged about 55 years
12. Shri Rajendra Kumar Tiwari
S/o Late R. G. Tiwari
Aged about 51 years
13. Shri V.V. Bedekar
S/o Late V.R. Bedekar
Aged about 51 years

14. Shri Thanwar Singh
S/o Shri Dukalu Ram Thakur
Aged about 55 years
15. Shri D.K. Tiwari
S/o Late Shri I. Tiwari
Aged about 51 years
16. Shri Dilip Kumar Naidu
S/o Late Shri B.K. Naidu
Aged about 53 years
17. Smt. V.S. Kujur
D/o Late Shri Benedict Ekka
Aged about 50 years
18. Shri K.C. Tiwari
S/o Late Shri Moolchand
Tiwari
Aged about 59 years
19. Shri Lokmani Kurumwanshi
S/o Late Shri Ram
Kurumwanshi
Aged about 45 years
20. Shri Bhure Lal Lodhi
S/o Shri Dumani Lal Lodhi
Aged about 47 years
21. Smt. Swarnlata Namdeo
W/o Shri Kishore Kumar
Namdeo
Aged about 42 years
22. Smt. P. Choudhary
W/o Shri P.K. Choudhary
Aged about 52 years
23. Smt. V. Lakshmi
W/o Shri V.S.V. Prasad
Aged about 51 years
24. Shri T.M. Mathew
S/o Late Shri T.V. Mathai
Aged about 49 years
25. Shri Saamyendu Das
S/o Shri Surendra Nath Das
Aged about 52 years

Applicants No. 1 to 25 are Senior Auditors in the Accounts office Gun Carriage Factory, Jabalpur.

26. Shri Gulshan Kumar Narang
S/o Late Shri Shyam Lal
Narang
Aged about 51 years
27. Shri P.K. Choudhary
S/o Late Shri Shrivdhari
Choudhary
Aged about 51 years
28. Shri A.P. Burman
S/o Late Shri N.L. Burman
Aged about 52 years
29. Shri A.K. ~~Verma~~[✓]
S/o Late Shri P.K. Verma
Aged about 51 years
30. Shri Suresh Kumar
S/o Late Shri Sukali Ram
Aged about 51 years
31. Shri V.P. Kol
S/o Shri Chhote Lal Kol
Aged about 54 years
32. Shri Muralidhar Verma
S/o Shri Roop Ram Verma
Aged about 43 years
33. Shri Jose Thomas
S/o Shri Thomas Thomas
Aged about 41 years
34. Ku. Mary M.Paul
D/o Late Shri Paul Marry
Aged about 50 years
35. Shri D.D. Nayak
S/o Late Shri Mahadeo Prasad
Nayak
Aged about 40 years
36. Shri K.G.M. Khan
S/o Late Shri M.A. Khan
Aged about 45 years
37. Shri Paras Nath
S/o Late Shri Ram Prasad
Aged about 44 years

38. Shri Kailash Kumar
S/o Late Shri S.L. Santoshi
Aged about 45 years

Applicants No. 26 to 38 are Senior Auditors in Accounts
Office, Grey Iron Fondary, Jabalpur

39. Shri J.N. Agrawal
S/o Shri R.N. Agrawal
Aged about 49 years

40. Shri S.M. Abid
S/o Shri S.M. Hussain
Aged about 45 years

41. Shri M.C. Tumlam
S/o Shri Chaitu Tumlam
Aged about 54 years

42. Shri Dadaji
S/o Shri Narayana Shreerama
Aged about 53 years

43. Shri Suresh Chandra
S/o Late Shri Moti Lal
Aged about 44 years

44. Shri S.N. Banerjee
S/o Late Shri S.C. Banerjee
Aged about 49 years

45. Shri S.K. Dutta
S/o Late Shri V.K. Dutta
Aged about 47 years

46. Shri R.K. Beohar
S/o Shri P.D. Beohar
Aged about 39 years

47. Shri Jaiveer Singh
S/o Late Shri Thakur Pooran
Singh
Aged about 44 years

48. Shri Y.P. Telkunte
S/o Late Shri P.C. Telkunte
Aged about 55 years

49. Shri Jayant Bhatt
S/o Late Shri Shanker Bhatt
Aged about 52 years

51. Shri S.K. Savita
S/o Late Shri P.L. Savita
Aged about 52 years
51. Shri R.K. Vilvia
S/o Late Shri K.R. Vilvia
Aged about 55 years
52. Mohammed Islam
S/o Mohammed Ramjan
Aged about 50 years
53. Shri R.P. Paraste
S/o Shri J.S. Paraste
Aged about 40 years
54. Shri V.N. Suri
S/o Shri P.N. Suri
Aged about 54 years
55. Smt. Geeta Thakur
W/o Late Shri D.S. Thakur
Aged about 52 years
56. Shri K.R. Thakur
S/o Late Shri A.R. Thakur
Aged about 52 years
57. Smt. M. Mukherjee
S/o Shri S.K. Mukherjee
Aged about 40 years
58. Shri G.W. Xaxa
S/o Late Francis
Aged about 56 years
59. Shri R. Goswami
S/o Shri R.D. Goswami
Aged about 49 years
60. Shri S. Kujur
S/o Late Shri Saiman Kujur
Aged about 56 years
61. Shri Ashraful Malik
S/o Late Shri F. Malik
Aged about 40 years
62. Shri G.C. Gotia
S/o Late Shri Chandu Lal Gotia
Aged about 47 years

63. Shri S.K. Ummat
S/o Late Shri A.P. Ummat
Aged about 49 years
64. Shri H.K. Dave
S/o Late Shri Y.K. Dave
Aged about 47 years
65. Shri R.K. Mehra
S/o Late Shri Tulsiram
Aged about 47 years
66. Shri C. Swaroop Saxena
S/o Late Shri Ramswaroop
Saxena
Aged about 45 years
67. Shri K.L. Gharoo
S/o Late Shri Sobharam
Aged about 49 years
68. Shri G.S. Sonker
S/o Late Shri S.L. Sonker
Aged about 49 years

The Applicants No. 39 to 68 are Senior Auditors in the Accounts office , Ordnance Factory, Khamaria, Jabalpur.

69. Shri Ram Krishna Mishra
S/o Late Shri G.P. Mishra
Aged about 58 years
70. Shri Hilarius Kujur
S/o Late Shri Paulus Kujur
Aged about 58 years
71. Shri Martin Toppo
S/o Late Shri John Toppo
Aged about 52 years
72. Shri Mangal Singh
S/o Shri Ratan Singh
Aged about 54 years
73. Shri Onkar Prasad G[✓]autia
S/o Ram Bharosh
Aged about 53 years
74. Shri Ashok Kumar Dhur[✓]ve
S/o Late Shri Hari Ram Dhurve
Aged about 52 years

75. Shri Sylvester Toppo
S/o Late Shri Julius Toppo
Aged about 50 years
76. Shri Sheetal Prasad Dubey
S/o Late Shri Heeralal Dubey
Aged about 53 years
77. Shri Kanchedi Lal Goutia
S/o Shri Kodu Lal Goutia
Aged about 55 years
78. Shri Ramesh Kumar Jain
S/o Late Shri Prem Chand Jain
Aged about 53 years
79. Shri Bikh Chand Tharwani
S/o Shri N.R. Tharwani
Aged about 52 years
80. Shri Kamla Prasad Gupta
S/o Shri Gouri Shanker Gupta
Aged about 50 years
81. Shri Govind Prasad Soni
S/o Late Shri Vishnu Prasad
Soni
Aged about 53 years
82. Shri Madan Chand Soni
S/o Late Shri Biran Lal
Aged about 51 years
83. Shri Naresh Chandra
S/o Late Shri Daya Ram Gupta
Aged about 52 years
84. Shri Narayan Yadav
S/o Shri Rampal Yadav
Aged about 48 years
85. Shri Raj Kishore Yadav
S/o Late Shri Ram Dass Yadav
Aged about 49 years
86. Shri Umakant Garg
S/o Late Shri Deo Dutta Garg
Aged about 50 years
87. Smt. Sheela Rumani Natekar
W/o Shri A. Natekar
Aged about 52 years

88. Shri Ram Nirhjan
S/o Shri Chhakouri Lal
Aged about 52 years
89. Shri Lekh Singh Thakur
S/o Shri Khuman Singh Thakur
Aged about 50 years
90. Shri Subash Chandra Garg
S/o Shri Hari Shanker Garg
Aged about 49 years
91. Shri Panch Ram Coumary
S/o Late Shri B.R. Coumary
Aged about 49 years
92. Shri Vipin Kumar
S/o Shri B.L. Nigam
Aged about 40 years
93. Shri Pranab Kumar
S/o Shjri S.K. Banerjee
Aged about 43 years
94. Shri Anees Ahmed Siddiqui
S/o Late Shri M.M. Siddiqui
Aged about 40 years
95. Shri Bhagat Singh Rathore
S/o Late Shri Malkhan Singh
Rathore
Aged about 50 years
96. Shri Pushpal Banerjee
S/o J.N. Banerjee
Aged about 42 years
97. Shri Praveen Kumar
S/o Shri Gaiind Mal Jain
Aged about 42 years
98. Shri ^{Sri}Charan Sikdar
S/o Harendra Nath
Aged about 53 years
99. Shri Narayan Chandra Ghosh
S/o Late Shri Sibapada
Aged about 50 years
100. Shri Dinesh Chandra Baidya
S/o Late Shri M.S. Baidya
Aged about 53 years

101. Shri Jagdish Chandra Barai
S/o Late Shri Gabinda Chand
Aged about 59 years
102. Shri Shambhu Nath Sai
S/o Late Shri B.N. Sai
Aged about 38 years
103. Shri Pankaj Shrivastava
S/o Late V.S. Shrivastava
Aged about 33 years

The applicants No. 69 to 103 are Senior Auditors in Accounts Office, Ordnance Factory, Katni.

VERSUS

Respondents

1. Union of India
Through the Secretary
Ministry of Defence
New Delhi
2. Controller General of Defence
Accounts, West Block,
R.K. Puram, New Delhi - 66
3. Principal Controller of
Accounts (Fys.)
10 - A, S.K. Bose Road,
Kolkata - 1 (W.B.)
4. Joint Controller of Finance and
Accounts, Gun Carriage
Factory, Jabalpur
5. Joint Controller of Finance and
Accounts, Grey Iron Foundry
Jabalpur.
6. Joint Controller of Finance and
Accounts, Ordnance Factory,
Khamaria, Jabalpur
7. Assistant Controller of Finance
and Accounts, Ordnance
Factory, Katni.

Applicants

1. H.S. Patel s/o Late Shri R.N. Patel
Aged 54 years
2. Ajit Kumar s/o R.K. Gopal
Aged 48 years
3. Miss Paula Twiss d/o Late R.J. Twiss
Aged 45 years
4. M.L. Gour s/o Shri Kamal Prasad
Aged 54 years
5. D.R. Thotekar s/o Late Garduji
Aged 51 years
6. S.L. Marskole s/o Shri Sirajlal
Aged 41 years
7. V.V. Kulkarni s/o Late V.D. Kulkarni
Aged 48 years
8. B.R. Ahirwar s/o Shri B.C. Ahirwar
Aged 52 years
9. G. Tandilkar s/o Shri Patiram
Aged 44 years
10. V.K. Meena s/o Shri Sitaram
Aged 52 years
11. G.P. Chaure s/o Late R.N. Patel
Aged 54 years
12. L.K. Yadav s/o Late Kishanlal Yadav
Aged 53 years
13. C.S. Chouhan s/o Late J.P. Chouhan
Aged 54 years
14. R.P. Patel s/o Late B.L. Patel
Aged 50 years
15. V.K. Rai s/o Late C.L. Rai
Aged 41 years
16. A.S. Marskole s/o Late Shri Garibdas Marskole
Aged 52 years

17. Babulal s/o Late Shri R.N. Patel
Aged 54 years
18. J.S. Paraste s/o R.S. Paraste
Aged 48 years
19. Smt. Tara Paraste w/o J.S. Paraste
Aged 50 years
20. V.N. Chaudhary s/o Late Shri Jagannath
Choudhary, aged 41 years
21. D.K. Sharma s/o G.P. Sharma
Aged 42 years
22. S.S. Nagwanshi s/o Late P.S. Nagwanshi
Aged 54 years
23. A.R. Khan s/o Late A.W. Khan
Aged 54 years
24. K.K. Khanna s/o Late Shri Amolak Ram
Aged 59 years
25. Rais Khan s/o Mohd. Yakub Khan
Aged 54 years
26. H.G.Sharma s/o Late V.P. Sharma
Aged 45 years
27. Smt. Uma Markam w/o B.B. Markam
Aged 54 years
28. Smt. Rajni Gehani w/o Late N.C. Gehani
Aged 59 years
29. Smt. Rita Kichloo w/o Umesh Kichloo
Aged 49 years
30. Sunil Dubey s/o Late M.L. Dubey
Aged 42 years
31. V. Chacko s/o K.V. Chacko
Aged 43 years
32. R.K. Jain s/o Late B.L. Jain
Aged 53 years

Applicants No. 1 to 22 are Senior Auditors in Accounts Office, DCFA (Fys) A.O. O.F. Itarsi, No. 23 to 31 are Senior Auditors in Accounts Office, L.A.O. (Army) Bhopal and applicant No. 32 is Senior Auditor in Accounts Office, G.E. Itarsi.

VERSUS

ondents

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1. Union of India
Through the Secretary
Ministry of Defence
New Delhi
2. Controller General Of
Defence Accounts, West
Block R.K. Puram
New Delhi – 66
3. Principal Controller of
Accounts (Fys.) 10-A,
S.K. Bose Road,
Kolkata – 1 (W.B.)
4. Controller of Defence Accounts (Army)
Ridge Road
Jabalpur, (M.P.)
5. Local Audit Officer
L.A.O. (Army)
Bhopal (M.P.)

(Applicants through Advocates Shri Manish Saini and
Shri D.P. Yadav)

(Respondents through Advocates Sh. S.P. Singh and
Shri P. Sankaran)

ORDER (ORAL)Mr. Shanker Raju, Member (J):

As identical issue is raised having common questions of fact and law, these OAs are disposed of by this common order.

2. In all these OAs applicants who are working as Senior Auditors seek parity in their pay scale with the Assistants in Central Secretariat and Stenographers in various Departments/Ministries and claim benefit of various pronouncements of this Court. They have sought grant of pay scale of Rs.1640-2900 (unrevised) w.e.f. 1.1.1986 and also pay scale of Rs.5500-9000 w.e.f. 1.1.1996 with all consequential benefits.

3. Heard the parties. It is not disputed that different Benches of this Tribunal have allowed pay scale to Senior Auditors, including the Bench at Jabalpur in OA-785/96 in C.S. Chauhan & Others v. Union of India & Others decided on 13.2.2002 as well as the decision in OA-469/2000 decided on 30.7.2002 in Sushil Kumar Saloria and Others v. Union of India, wherein relying upon the decision of Madras and Guwhati Benches of this Tribunal, but in view of the pendency of appeal in High Court at Guwhati, the decision regarding arrears has been kept in abeyance. The Guwhati High Court in WP (C) No.7598/2001 by an order dated 28.9.2002 dismissed the writ petition against the decision of the Guwhati Bench of this Tribunal.

4. However, the decision of the Jabalpur Bench of this Tribunal in OA-469/2000 was assailed in WP-5910 of 2002 and by an order dated 12.12.2002 subject to

hearing the other side, operation of the order was stayed to the extent that respondents are not liable to pay arrears to applicants therein. However, pay from the month of January, 2003 onwards be paid as per the directions of the Court and pay scale assigned. It is stated by the learned counsel of applicants that the applicants be extended the benefits of these pronouncements with regard to grant of pay scale of Rs.1640-2900 w.e.f. 1.1.86 and Rs.5500-9000 w.e.f. 1.1.96 with all arrears. It is on the strength of the fact that Guwhati Bench decision has attained finality by rejection of the Writ Petition supra. It is further contended that applicants who are identically situated cannot be deprived of the benefit which has been accorded to similarly circumstance, which violates the enshrined principles under Articles 14 and 16 of the Constitution of India.

5. On the other hand, respondents vehemently opposed the contentions and contended that as the arrears have been stayed by the High Court of adjudicature at Jabalpur applicants' case if is identically situated would be considered if they prefer a representation to this effect to the respondents. However, it is stated that applicants are otherwise not entitled for the benefit.

6. We have carefully considered the rival contentions of the parties and perused the material on record. In the following decisions of the Apex Court it has been held that once a benefit is extended to an employee the same should also be extended to similarly situated in case they are identically situated and equal in all respects and cannot be denied either

on the ground that applicants were not parties to the earlier decision or there is delay in their approach:

- i) K.C. Sharma v. Union of India, 1998 (1) SLJ SC-54.
- ii) Ajay Jadhav v. Govt. of Goa, 2000 (1) SLJ SC 223.
- iii) Chander Prakash Madhav Rao Dawda v. Union of India, 1998 (2) SCSLJ 390.

7. Having regard to the aforesaid decisions and keeping in view the various pronouncements of this Court as well as decisions of Guwhati and Jabalpur High Courts, respondents are directed to consider the claim of applicants for accord of pay scale as referred to in para 8 of the OAs regarding grant of pay scale of Rs.1640-2900 w.e.f. 1.1.86 and Rs.5500-9000 w.e.f. 1.1.96 alongwith arrears, if they are identically situated and equal in all respects, within a period of three months from the date of receipt of a copy of this order, treating these OAs as representations of applicants, by passing a detailed and speaking order, under intimation to applicants. No costs.

Sd/-
(R.K. Upadhyaya)
Member (A)

Sd/-
(Shanker Raju)
Member (J)

'San.'