

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH**

Jaipur, this the 30th day of March, 2010

CORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDL.)

Original Application No.167/2010

1. Bodhuram Meena s/o Shri Hanuman Sahay Meena r/o Gram Pilwa, Post Chandwaji, Tehsil Amer, Distt. Jaipur, presently posted as Chaukidar at Jaipur
2. Ramji Lal Sharma s/o Late Shri Harwansh Sharma r/o Gram Rajaura Ki Dhani, Post Nayla, Tehsi Jamuwaramgarh, Distt. Jaipur, presently working as Driver under the respondents at Jaipur.
3. Mitthu Singh s/o Late Shri Kalyan Singh r/o Shiv Colony Gram and Post Nayla, The. Jamuaramgarh, Jaipur, presently posted as Driver under the respondents at Jaipur.
4. Arjun Singh s/o Shri Devi Singh r/o Sumer Gaushala Ke Pas, Badmer, presently posted as Driver under the respondents at Jaipur.
5. Khetaram Prajapat s/o Girdhari Raj Prajapat r/o Gram and Post Ramgarh Tehsil and Distt. Jaisalmer, presently posted as Peon Cum Chaukidar at Jaisalmer.
6. Hiraram Mali s/o Shri Chunaji Mali r/o Naya Bazar, Bhatkada, Sirohi, presently posted as Peon cum Chaukidar under the respondents at Sirohi.
7. Kanti Lal Bamaniya s/o Mulaji Medhwal r/o Gram and Post Kiwrali, Tehsil Aburoad, Distt. Sirohi, presently posted as Peon cum Chaukidar at Sirohi.

8. Ladu Singh s/o Shri Chitar Singh r/o 94, Moti Vihar Colony, Ramnagar, Pushkar Road, Ajmer, presently posted as Peon cum Chaukidar at Ajmer.
9. Bhawanar Lal Sharma s/o Late Shri Daulat Ram Sharma r/o Gram and Post Baira via Rayla, Tehsil Baneda Distt. Bhilwara, presently posted as Peon cum Chaukidar at Bhilwara.
10. Ram Lakshman Tank s/o Shri Moti Lal Tonk r/o Ganesh Nagar (Jawad).
11. Balu Lal Vaisnav s/o Shri Mangudas Vaishnav r/o Paldi Road, Devnarayan Mandir Ke Samne, Subash Nagar, Bhilwara, presently working as Peon cum Chaukidar at Bhilwara.
12. Uday Singh s/o Shri Nanu Ram r/o Gram and Post Mandota Via Khud Distt. Sikar, presently working as Peon cum Chaukidar at Sikar.
13. Suresh Kumar s/o Shri Gopal Sansi r/o FCI Godown, Havai Patti, Jhunjhunu, presently posted as Peon cum Chaukidar at Jhunjhunu.
14. Gopal Lal Sharma s/o Chitarmal Sharma r/o Gram and post Dhanetkala Distt. Chittorgarh, presently posted as Peon cum Chaukidar at Chittorgarh.
15. Gagan Bahadur Rana s/o Shri Nar Bahadur Rana r/o Bajrang Nagar Dhkkaniya Station Ke pas, Kota, presently working as Peon cum Chaukidar at Kota.
16. Jagdish Puri Goswami s/o Shri Godupuri Goswami r/o 26/1859, Aawari Mata Colony, Reti Stand, Udaypur, presently working as Peon cum Chaukidar at Rajsamand.
17. Rameshwar Dayal Sharma s/o Punam Chand Sharma r/o 7-8, Chakiya Amba Scheme, Rampura Road Udaipur, presently working as Peon-cum-Chaukidar at Udaipur.

18. Satyanarayan Mishra s/o late Shri Brahanand Mishra r/o Rajiv Colony, LIC Colony Ke pas, Ajmer, presently working as Peon cum Chaukidar at Jaipur.
19. Ramphul Saini s/o Shri Kanhhya Lal Saini r/o Badwas Maliyo Ka Mohalla, Gopal Ji Ke Mandir Ke Pas, Dausa, presently working as Peon cum Chaukidar at Dausa.
20. Vijay Singh s/o late Shri Kalyan Singh r/o Gram Thikariya and post Aaluda Tehsil and Distt. Dausa, presently working as Peon cum Chaukidar at Dausa.
21. Vinod Kumar Sharma s/o late Shri Balkishan Sharma r/o Mirzamal Mohanmal Kidwaniya, Near Chotiya Dharamshala Ke pas, Churu, presently posted as Peon-cum-Chaukidar at Churu.
22. Satywan Singh s/o Shri Shiv Singh r/o Gram Ucha Nagla Post Bahneda, Tehsil and Distt. Bharatpur, presently posted as Peon cum Chaukidar at Bharatpur.
23. Madan Gopal s/o Shri Shyam Lal r/o 1 E 12, Vikas Nagar, Bundi, presenty posted as Peon cum Chaukidar at Bundi.
24. Khasaram Mali s/o Shri Khimaji Mali r/o Gram and Post Challapawati Vera Via Samtipura Distt. Jalor, presently posted as Peon cum Chaukidar at Jalor.
25. Sitaram Sharma s/o Shri Ram Sahay Sharma r/o Aamir Nagar "A" Kherda Sawai Madhopur, presently posted as Peon cum Chaukidar at Bara.
26. Dinesh Chand Sharma s/o Shri Moti Ram Sharma r/o RAC lines Ke Samne, Kayasthpada, Dhaulpur, presently posted as Peon cum Chaukidar at Dhaulpur.
27. Paras Sen s/o Shri Gopal Sen r/o Gram Tilikhan, Nayabas, Jodhpur, presently posted as Peon cum Chaukidar at Nagaur.

28. Ramesh Chand Meena s/o Shri Sawaji Meena r/o Gram Gadhamdudi Post Punjpur, Tehsil Aaspur Distt, Dungapur, presently posted as Peon cum Chaukidar at Dungapur.
29. Pemaram Aadiwasi s/o Shri Udaji r/o Gram Amarpura Post Pandyawada Tehsil Keshriyaji, Distt. Udaipur, presently posted as Peon cum Chaukidar at Dungapur.
30. Lakshman Prasad Regar s/o Shri Onkar Mal Regar r/o 181, Subahsh Nagar Railway Colony Ke pas, Sawai Madhopur, presently posted as Peon cum Chaukidar at Sawai Madhopur.
31. Gokul Singh s/o Late Shri Nathu Singh r/o chahmodi Ki Choki, Tonk, presently posted as Peon cum Chaukidar at Jaipur.
32. Rajendra Kumar Sharma s/o Shri Ram Kishor Sharma r/o 6, Ganesh Colony, Khatipura Road, Khatipura, Jaipur, presently working as Accounts Clerk at Jaipur.
33. Kirtiram Bagher s/o Shri Ramhet Bagher r/o 3/131, Housing Board Colony, Shriganganagar, presently posted as Peon cum Chaukidar at Shrinanganagar.
34. Bhanwar Lal Sen s/o Shri Roopa Ram Sen r/o 73/A Rico Colony, Badmer, presently posted as Peon cum Chaukidar at Badmer.
35. Khatu Singh Bhagora s/o Shri Tita Singh Bhagora r/o Goti Ki Jodi, Post Dugra, Tehsil Kusalgarh, Distt. Banswara, at present posted as Peon cum Chaukidar at Banswara.
36. Bajrang Lal Tailor s/o Shri Ram Chand Tailor r/o 5/419, Kachchi Basti, Jawahar Nagar, Jaipur, presently posted as Accounts Clerk at Sikar.
37. Keshar Dev s/o late Shri Puranmal r/o Ram Sagar Kuana Ke pas, Jhagla High School Ke piche, Ward

No.40, Churu, presently working as Peon-cum-Chaukidar at Bikaner.

.. Applicants

(By Advocate: Shri Shailendra Srivastava)

Versus

1. Union of India through Ministry of Human Resources Development, Department of Youth Affairs and Sports, New Delhi.
2. The Director General, Nehru Yuva Kendra Sangathan, JN Stadium, New Delhi.

.. Respondents

(By Advocate:)

ORDER (ORAL)

The applicants have filed this OA thereby praying for the following reliefs:-

- (a) That this Hon'ble Tribunal may graciously be pleased to direct the respondents to consider and cover the petitioners (Group "C" and "D" employees of the "Sangathan") under the pension scheme and extend the benefit of it to all of them as has been done in case of all Youth Coordinators and Accounts Clerk-cum-Typist came on deputation and also in case of few group (D) employees of the "Sangathan" who had approached to the Court of Law for their rights which are available to the Group(D) employees under Government of India.
- (b) Further direct the respondents to grant all consequential benefits in the light of the prayer made herein above.
- (c) Any other order or direction, which this Hon'ble Tribunal may deem fit and proper as per the facts and circumstances, be passed in favour of the petitioners.

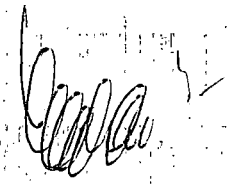
2. As can be seen from the prayer clause, the grievance of the applicants is regarding extending retiral and pensionary benefits to the applicants under the pension scheme and for that purpose, the applicants have placed reliance on the order dated 26.2.2009 (Ann.A/8) and order dated 22.7.2009 (Ann.A/9) passed pursuant to the judgment dated 5th September, 2008 by the Hon'ble High Court of Kerala at Ernakulam in CWP No.20986/06 whereby the respondents have granted all service benefits including retirement benefits as applicable to Group-D employees working under the Government of India. The grievance of the applicants in this OA is that no such benefit has been extended to them.

3. I have heard the learned counsel for the applicants at admission stage. I am of the view that the present OA can be disposed of at admission stage with direction to the respondents to treat this OA as representation on behalf of the applicants and pass appropriate reasoned order as to how the applicants are not entitled to the benefit as extended by them to other employees of the same department vide order Ann.A/8 and A/9.

4. Accordingly, respondent No.2 is directed to treat this OA as representation on behalf of the applicants and decide the same by passing reasoned and speaking order within a period of three months from the date of receipt of a copy of this order under intimation to the applicants.

5. It is, however, clarified that the reasoned and speaking order shall be passed only if the respondents are of the view that the applicants are not entitled to the benefit as extended to the similarly situated persons vide order Ann.A/8 and A/9. In case the respondents decide to grant similar benefits to the applicants, there is no need to pass speaking and reasoned order. It is further clarified that in case the applicants are still aggrieved, it will be open for them to file substantive OA for the same cause of action for redressal of their grievance in accordance with law.

6. With these observations, the OA stands disposed of at admission stage.


(M.L. CHAUHAN)
Judl. Member

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