

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH**

O.A. No.060/00768/2014 Decided on: 03.09.2014

**Coram: Hon'ble Mr. Sanjeev Kaushik, Member (J)
Hon'ble Mr. Uday Kumar Varma, Member (A)**

1. MES - 372350, Nand Lal S/o Tara Chand age 48 years, Elect Highly skilled Grade-I.
2. MES-369205, Balwan Singh Elect Highly skilled Grade-I
3. MES 375108, Yash Pal Elect Highly skilled Grade-I
4. MES-373790, Kanhya Lal Elect Highly Skilled Grade-I
5. MES-314131, Kali Ram Elect Highly skilled Grade-I
6. MES-313617, Raj Kumar Elect Highly skilled Grade-I
7. MES-372388, Krishan Kumar Elect skilled.
8. MES-372377, Lakhi Ram Elect skilled
9. MES-372375, Om Parkash Elect skilled
10. MES-372381, Ram Singh Elect skilled
11. MES 372867, Chaju Ram, Elect skilled
12. MES-9806582, Inder Singh Elect skilled
13. MES- 14610032 K. Shiv Kumar Elect skilled
14. MES- 510282, Khushi Ram Elect skilled
15. MES-449107, Sunder Singh Elect skilled
16. MES- 483770 Sugan Pal Mate Semi Skilled

Applicants are working in the office of Garrison Engineer (M), Hisar Mil. Station, Hisar.

.....Applicants

Versus

1. Union of India through Secretary to Govt. of India, Ministry of Defence, New Delhi.
2. Chief Engineer, South Western Command, Jaipur, C/o 56 APO
3. Commander works Engineer, Hisar Mil. Station, Hisar.
4. Garrison Engineer (M), Hisar Mil Station, Hisar.

....Respondents

Present: Mr. D.R. Sharma, counsel for the applicants

Order (Oral)

By Hon'ble Mr. Sanjeev Kaushik, Member(J)

1. The present O.A. has been filed by the applicants seeking issuance of a direction to the respondents to grant them night duty allowance w.e.f. 01.01.1996, further revised w.e.f. 01.01.2006, with all consequential benefits including arrears along with interest @ 18%p.a.
2. In support of the claim, learned counsel for the applicants submits that a similar controversy has been considered and put to rest by the Jodhpur Bench of the Tribunal in the case of **Ram Kumar Vs. U.O.I. & Others** (O.A. No. 34/2008) decided on 05.11.2009 (Annexure A-1). That order was reviewed vide order dated 09.04.2010(Annexure A-2) declaring the applicants entitled for the arrears based on the actual pay arrived at in pursuance of the allowance of the O.A. On the basis thereof, this Tribunal has also allowed the similar claim in the case of **Harbans Lal & Others Vs. U.O.I. & Others** (O.A. NO. 1269/PB/2013) dated 13.01.2014 (Annexure A-6). He submits that despite the relevant benefits had already been given to the similarly situated persons, the applicants herein have not been extended the same.
3. We have heard learned counsel for the applicant and gone through the pleadings on record and the orders aforementioned (Annexures A-1, A-2 and A-6) passed in the case of similarly situated persons.
4. In view of the factual position aforementioned that the similarly situated persons have already been granted the similar benefits, we find no reason as to why the respondents have declined the valid claim of the applicants herein and compelled them to approach the Court of Law to get the similar benefits. Once a question of law has been settled by the Court of Law, it becomes

the duty of the Administrative Authorities to take a conscious decision to extend the relevant benefits to the similarly situated persons, without forcing them to approach the Court for similar benefits.

5. In view of the above, the respondents are directed to consider the applicants herein for the grant of relevant benefits and if they are found similarly situated as the applicants in the cases aforementioned, the same shall be extended to them in terms of orders (Annexures A-1, A-2 and A-6).
6. Let this exercise be completed within a period of three months from the date of receipt of a copy of the order. It is expected from the respondents that they will consider the other eligible similarly situated persons, who have not approached the Court for redressal of their grievances, for the grant of relevant benefits.
7. Disposed of accordingly.

(UDAY KUMAR VARMA)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

PLACE: Chandigarh
Dated: 03.09.2014

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