

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH**

O.A. No.060/00837/2014 Decided on: 22.09.2014

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

1. MES No. 369091 Balbir Singh, V/Man
2. MES No. 369196 Jagram, V/Man
3. MES No. 369168 Bhau V/Man
4. MES No. 369195 Billu Singh, V/Man
5. MES No. 374472 Jagtar Singh, V/Man
6. MES No. 369254 Hansa Singh, V/Man
7. MES No. 368803 Puran Chand, V/Man
8. MES No. 369995 Puran Chand, V/Man
9. MES No. 369556 Baldev Singh, V/Man
10. MES No. 369553 Roop Singh, V/Man
11. MES No. 368796 Ghansham Dass, V/Man
12. MES No. Umed Singh, V/Man
13. MES NO. 373338 Rakesh Kumar, V/Man
14. MES No.374471 Harpal Singh, V/Man
15. MES No. 369098 Darshan Singh, V/Man
16. MES No. 370987 Roop Singh, V/Man
17. MES No. 363906 Bahadur Singh, V/Man

All C/o Garrison Engineer, Bhatinda.

.....Applicants
Versus

1. Union of India through Engineer-in-Chief, Ministry of Defence, Army HQ, New Delhi.
2. The Engineer in Chief, Army HQ, New Delhi.
3. The Chief Engineer South Western Command, Jodhpur.
4. The Chief Engineer, Bhatinda Zone, Bhatinda.

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5. Commander Works Engineer, Bhatinda.
6. Garrison Engineer, Bhatinda.

.....**Respondents**

Present: Mr. Shailendra 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 as further revised w.e.f. 01.01.2006, with all the 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 therein 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 a 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 contends that despite the relevant benefits having 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 applicants 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.

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4. In view of the factual position aforementioned that the controversy has already been set at rest by a Court of Law and similarly situated persons have been granted the similar benefits, we find no reason as to why the respondents are not extending the relevant benefits to the other similarly circumstanced employees and forcing them to approach the Court of Law to get the same 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, to avoid unnecessary litigation.

5. In view of the above, the respondents are directed to consider the claim of the applicants herein for grant of the 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: 22.09.2014

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Sajiv Kumar

True copy

On
Adv