

(OB)  
10

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**CHANDIGARH BENCH**  
**CHANDIGARH**

**O.A. No.060/00838/2014**      **Decided on:22.09.2014**

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

1. MES No. 372824 Charanjit Singh, FGM HS
2. MES No.372821 Gurtej Singh, FGM HS
3. MES No. 313289 Som Nath, FGM HS
4. MES No. 312667 Dari Singh, FGM HS
5. MES NO. 370838 Hari Dass, FGM HS
6. MES No. 368820 Med Ram, Electrician SK
7. MES NO.370568 Bhora Singh, Mate
8. MES No. 369497 Minder Ram, Mate
9. MES No. 367509 Ram Naresh, Electrician SK
10. MES No. 317162 Bir Bahadur, FGM
11. MES No. 368695 Mithu Ram, Electrician SK
12. MES No. 363764 Jagjit Singh, Electrician SK
13. MES No. 373830 Balwinder Kumar, Mate
14. MES No. 367710 Darshan Singh, Electrician SK
15. MES No. 5874 Ram Lal, Mate
16. MES No. 367724 Bhagwan Singh, Electrician SK
17. MES No. 362881 Joginder Singh, V/Man
18. MES No. 372822 Ajaib Singh, FGM
19. MES No. 367712 Angrej Singh, FGM
20. MES No. 375195 Inder Singh, Mate
21. MES No. 373829 Sukhmander Singh, FGM
22. MES No. 369254 Bhinder Kumar, FGM
23. MES No. 369492 Sukhjinder Singh, FGM HS
24. MES No. 369487 Gurdev Singh, FGM HS
25. MES No. 372682 Gurcharan Singh, FGM
26. MES No. 370832 Jagtar Singh, FGM
27. MES No. 369494 Puran Singh, FGM HS
28. MES No. 370569 Babu Singh, Electrician
29. MES No. 366526 Harbans singh, electrician HS
30. MES No. 370564 Ajaib Singh, FGM
31. MES No. 368694 Darshan Singh, Electrician
32. MES No. 373831 Mangat Rai, Mate
33. T. No. 2090 Jagir Singh, Mate
34. MES No. 372825 Baltej Singh, Electrician HS
35. MES NO. 370565 Sardar Singh, FGM SK

36. MES No. 367694 Rakesh Kumar, SBA  
37. MES No. 370499 Balwinder Singh, V/Man  
38. MES No. 371721 Sukhmander Singh, Mate  
39. MES No. 370570 Nek Singh, Mate  
40. MES No. 367846 Joginder Singh  
41. MES No. 370571 Gurdev Singh, V/Man

All C/o Garrison Engineer, Faridkot.

.....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 Western Command, Chandimandir.  
4. Commander Works Engineer Ferozpur (Punjab)  
5. Garrison Engineer, Faridkot.

.....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.
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)

PLACE: Chandigarh  
Dated: 22.09.2014

(SANJEEV KAUSHIK)  
MEMBER (J)

Certified true Copy सत्य प्रतिलिपि  
Ajeet Kumar Singh, Section Officer (Judi.)  
Section Officer (Judi.)  
Central Administrative Tribunal  
पालियन विभाग Chandigarh Bench  
Chandigarh / Chandigarh

True Copy  
Signature