

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH**

O.A. NO.060/00046/2014

Decided on: 17.01.2014

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

1. Token No. 809 Sh. Subhash Chander
 2. Token No. 668 Sh. Ramesh Chand
 3. Token No. 684 Sh. Charan Dass
 4. Token No. 685 Sh. Harbans Lal
 5. Token No. 694 Sh. Mohan Singh
 6. Token No. 696 Sh. Mohan Lal
 7. Token No. 720 Sh. Ram Lagan
 8. Token No. 741 Sh. Darashan Singh
 9. Token No. 748 Sh. Karnail Singh
 10. Token No. 750 Sh. Sardar Masih
 11. Token No. 751 Sh. Kartar Chand
 12. Token No. 754 Sh. Chaman Lal
 13. Token No. 769 Sh. Noor
 14. Token No. 785 Sh. Tarsem Lal
 15. Token No. 794 Sh. Rattan Lal
 16. Token No. 804 Sh. Iqbal Masih
 17. Token No. 834 Sh. Dev Raj
 18. Token No. 855 Sh. Paramjit Singh
 19. Token No. 856 Sh. Mohan Lal
 20. Token No. 978 Sh. Harbhajan Singh
 21. Token No. 842 Sh. Mohan Lal
 22. Token No. 1003 Sh. Surjeet Singh
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23. Token No.1029 Sh. Chandan Singh
24. Token No.1036 Sh. Kapoor Singh
25. Token No.1037 Sh. Mohinder Singh
26. Token No.1065 Sh. Boota Ram
27. Token No.1162 Sh. Mukatar Masih
28. Token No.969 Sh. Gurmej Ram
29. Token No.756 Sh. Balhar Singh
30. Token No.774 Sh. Kharati Lal
31. Token No.979 Sh. Hardev Singh
32. Token No.777 Sh. Massu Ram

All applicants have retired as Industrial Persons from 23 Field Ammunition Depot, Suranassi, Jalandhar, Punjab.

.....Applicants

Versus

1. Union of India through Secretary to Government of India, Ministry of Defence, New Delhi.
2. The Director General Ordinance Service, Master General of Ordinance Branch, Army Head Quarter, New Delhi -110011.
3. The Commandant, 23 Field Ammunition Depot, Suranassi, Jalandhar, Punjab.

.....Respondents

Present: Mr. Rohit Seth, counsel for the applicants
Mr. Deepak Agnihotri, counsel for the respondents

Order (Oral)

BY HON'BLE MR. SANJEEV KAUSHIK, MEMBER(J)

1. By means of the present O.A., the applicants have sought quashing of order dated 03.01.2014 whereby their claim of risk

allowance at par with the similarly situated employees the applicants has been rejected. The further prayer herein is for issuance of a direction to the respondents to grant them the benefit of risk allowance from due date.

2. Learned counsel for the applicants submit that the issue herein has already been considered by this Tribunal in **O.A. No. 527/PB/2011 titled Harwinder Singh & Others Vs. U.O.I. & Others decided on 14.02.2012** and thereafter in the case of **Jagjit Singh & Others Vs. Union of India & Others (O.A. No. 11/PB/2013 decided on 30.09.2013)**. It is submitted that both the abovementioned OAs have been decided in favour of the applicants. However, the request of the applicants herein, who are similarly circumstanced to the applicants in the above cited cases, for the grant of similar benefit has been rejected by the respondents on the ground that they were not the parties to the relevant O.As.

3. We have given our thoughtful consideration of the matter. On the question of grant of similar benefit to the identically placed employees, the Hon'ble Supreme Court in the case of **State of Karnatka & Others Vs. C. Lalitha decided on 31.10.2006 (Appeal (Civil) NO. 919 of 2002)** has observed that "service jurisprudence evolved by this Court from time to time postulates that all persons similarly situated should be treated similarly. Only because one person

has approached the court that would not mean that persons similarly situated should be treated differently". In respectful accord with the law enunciated by the Hon'ble Apex Court in the case aforementioned, the impugned orders whereby the claim of the applicants has been rejected on the ground that they were not parties to the relevant OAs., cannot be allowed to sustain and the same are quashed and set aside accordingly. The matter is remitted back to the respondents for re-consideration in the light of the view taken by this Tribunal in the case of Harwinder Singh (supra) and followed in the case of Jagjit Singh (supra). The consideration must come about within a period of two months from the date of receipt of a copy of this order. The relevant benefit shall be extended to the similarly circumstanced employees notwithstanding the fact that they were not parties to the relevant O.A.

4. Needless to say, we have not commented upon the entitlement of the applicants to the relevant benefits.

5. No costs.

(UDAY KUMAR VARMA)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

PLACE: Chandigarh
Dated: 17.01.2014

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