

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH**

O.A. No.060/00472/2014

Decided on: 29.05.2014

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

1. MES No. 375757- Rajdev s/o Shri Jhiaju Yadav
2. MES No. 375453 - Gurpreet Singh s/o Shri Rajinder Singh
3. MES No. 375451 - Bagha Singh s/o Shri Jarnail Singh

All are presently working as Mate under Respondent No. 5, Garrison Engineer (Utility) Bathinda, Punjab.

.....Applicants

Versus

1. The Union of India through Ministry of Defence, North Block, New Delhi.
2. Engineer-in-Chief, Bathinda Zone, Bathinda.
3. The Chief Engineer, Bathinda Zone, Bathinda.
4. Commander works Engineer, Bathinda.
5. Garrison Engineer (Utility), Bathinda.

.../Respondents

Present: Mr. R.P. Rana, counsel for the applicants

Order (oral)

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

1. Heard.
2. By way of the present O.A., the applicants have sought issuance of a direction to Respondent No. 5 to decide the

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representation dated 20.08.2013 (Annexure A-2) for the grant of benefits of pay fixation after their reinstatement on the post of Motor Pump Attendant which they were holding before retrenchment.

3. Learned counsel for the applicants, in support of his claim, submits that the similarly situated persons like the applicants herein have already been granted the relevant benefit in pursuance of orders dated 15.12.2009 passed by this Tribunal in O.A. No. 666/PB/2008 (Annexure A-4), therefore, this O.A. may be disposed of with a direction to consider the representation of the applicants in the light of the orders aforementioned in a time-bound manner.


4. For the order we propose to pass, there is no need to issue notice to the respondents and call for their reply, as the applicants have prayed for the disposal of their pending representation (Annexure A-2). We may record here that no prejudice would be caused to the respondents by non-issuance of notice as the available remedy, envisaged under Section 20 of the Administrative Tribunals Act, 1985 has yet not been complied with and sufficient time has passed. It has been held in various judicial pronouncements that once a

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benefit has been allowed by the Court of Law, it has to be extended by the Administrative Authority to the similarly situated persons without forcing them to approach the Court.

5. Accordingly, the O.A. is disposed of with a direction to Respondent No. 5, with whom the representation of the applicants for the grant of relevant benefit is pending adjudication, to consider and take a decision on the representation (Annexure A-2) in accordance with law. Respondents shall also look into the orders passed in O.A. 666/PB/2008(supra) while deciding the representation. However, anything noticed above shall not be taken as a direction in favour of the applicants and they are free to take a decision on the representation in accordance with law.

6. No costs.


(UDAY KUMAR VARMA)
MEMBER (A)


(SANJEEV KAUSHIK)
MEMBER (J)

PLACE: Chandigarh
Dated: 29.05.2014

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