

17  
38  
Annex R.I. 7

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH  
CHANDIGARH**

**O.A. No.060/00985/2014**

**Decided on: 05.11.2014**

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

1. MES No. 369629 Darshan Singh, Electrician HS I
2. MES No. 369641 Nachatter Singh, Electrician I
3. MES No. 373568 Hukam Singh, Electrician HS II
4. MES No. 369910 Balwinder Singh, Electrician HS I
5. MES No. 369915 Tej Singh, Electrician
6. MES No. 369624 Ram Kumar, Electrician
7. MES No. 315751 Harwinder Singh Mate Electrician
8. MES No. 371758 Gollu Singh, Mate Electrician
9. MES No. 371953 Gurmail Singh, Electrician HS II
10. MES NO. 370841 Ranjit Singh, Electrician HS I
11. MES No. 369631 Inderjit, Electrician HS I
12. MES NO. 369913 Somal Kumar, Electrician HS I
13. MES No. 371007 Ajit Singh, Electrician
14. MES No. 375444 Raj Kumar, Mate Electrician
15. MES No. 370202 Kulwant Singh, Electrician HS
16. MES No. 370859 Ajaib Singh, Electrician
17. MES No. 371952 Hardev Singh, Electrician HS II
18. MES No. 369590 Tek Bahadur, electrician
19. MES No. 371983 Lakhvir Singh, Electrician HS II
20. MES No. 373564 Paramjeet Singh, Mate
21. MES No. 369914 Major Singh, Mate
22. MES No. 369645 Des Raj, Electrician SK
23. MES No. 371882 Nirmal Singh, Mate Electrician
24. MES NO. 313004 Lal Chand, Electrician HS II
25. MES No. 373560 Kundu Singh, Mate Electrician
26. MES No. 370204 Phallu Singh, Electrician HS II
27. MES No. 371759 Gurtej Singh, Mate Electrician



All C/o Garrison Engineer (S) Bathinda.

.....Applicants

**Versus**

1. Union of India through Secretary, Ministry of Defence, CGO Complex, New Delhi.
2. The Engineer in Chief, Army HQ, New Delhi.

1  
a

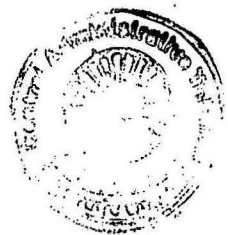
3. The Chief Engineer, South Western Command, Jaipur.
4. Commander Works Engineer, Bathinda.
5. Garrison Engineer (S) Bathinda.

.....Respondents

Present: Mr. Shailendra Sharma, counsel for the applicants

**Order (Oral)**

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



1. Learned counsel for the applicants submits that the controversy herein has already been put to rest by various judicial pronouncements by this Court as well as by a learned Co-ordinate Bench of this Tribunal. He further submits that this Court has recently decided an identical **O.A. (NO. 060/00839/2014 titled Lachman Singh & Others Vs. U.O.I. & Others)** on 22.09.2014 and the present O.A. may be disposed of in the same terms.
2. For the order we propose to pass in this case, there is no need to issue notice to the respondents as non-issuance of notice, will not prejudice, in any manner, the interests of the respondents as they are duty bound to extend the relevant benefits to the identically situated employees.
3. After going through the pleadings and finding that the question of law involved herein has already been answered by this Court, we dispose of the O.A., with a direction to the respondents to consider the case of the applicants in the light of decision rendered in the case of Lachman Singh & Others (supra). If they

1

Ok

are found similarly situated like the applicants in the aforesaid case, the relevant benefits may be granted to them otherwise a reasoned and speaking order be passed stating therein the distinction between the two cases. The order so passed be communicated to the applicants. The relevant paras of the order dated 22.09.2014 passed in the case of Lachman Singh & Others (supra) are reproduced hereunder for reference.

"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.

xxxxxxx

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

10 35  
9

-4-

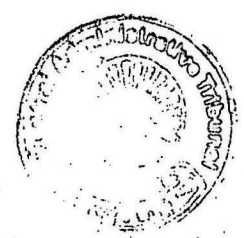
O.A. No.060/00985/2014

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."

4. Disposed of accordingly.



(UDAY KUMAR VARMA)  
MEMBER (A)

(SANJEEV KAUSHIK)  
MEMBER (J)

PLACE: Chandigarh  
Dated: 05.11.2014

'mw'

1. प्रतिलिपि आवेदन की क्रम संख्या 34894  
Serial No. of the Copy Application.....  
2. आवेदक का नाम Pyoti Chandhary  
Name of the Applicant.....  
3. आवेदन पत्र देने की तारीख 17/12/14  
Date of Presentation of Application.....  
4. पृष्ठों की संख्या/No. of Page 29  
5. प्रतिलिपि शुल्क अर्जेंट या ऑर्डनरी  
Copying fee Charged Urgent or Ordinary.....  
6. प्रतिलिपि तैयार करने की तारीख 24/12  
Date of Preparation of Copy.....  
7. प्रतिलिपि तैयार होने की तारीख 24/12  
Copy is Ready.....  
8. प्रतिलिपि देने की तारीख/Date of Delivery.....

अनुमान प्रहारी (जी.) / Section Officer (Jud.)

कोर्ट का प्रमुख न्यायाधीश C. A. T.  
चण्डीगढ़ बेंच / Chandigarh Bench

प्रमाणित किया जाता है कि यह सच है कि यह 199 कोष फाईल में के दस्तावेज / आदेश की सही और शुद्ध प्रति है और इसमें की सम्पूर्ण सामग्री की बिना किसी उपान्तरण के सुपाठ्यत और निष्ठापूर्वक प्रति-लिपि की गई है।  
"Certified that this is true and accurate copy of the document / order as in the case file.... No. 199 and that all the matter appearing therein have been legibly and faithfully copied with no modifications."

True copy  
Adv

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH  
CHANDIGARH**

**O.A. No.060/00985/2014**

**Decided on: 05.11.2014**

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

1. MES No. 369629 Darshan Singh, Electrician HS I
2. MES No. 369641 Nachatter Singh, Electrician I
3. MES No. 373568 Hukam Singh, Electrician HS II
4. MES No. 369910 Balwinder Singh, Electrician HS I
5. MES No. 369915 Tej Singh, Electrician
6. MES No. 369624 Ram Kumar, Electrician
7. MES No. 315751 Harwinder Singh Mate Electrician
8. MES No. 371758 Gollu Singh, Mate Electrician
9. MES No. 371953 Gurmail Singh, Electrician HS II
10. MES NO. 370841 Ranjit Singh, Electrician HS I
11. MES No. 369631 Inderjit, Electrician HS I
12. MES NO. 369913 Somal Kumar, Electrician HS I
13. MES No. 371007 Ajit Singh, Electrician
14. MES No. 375444 Raj Kumar, Mate Electrician
15. MES No. 370202 Kulwant Singh, Electrician HS
16. MES No. 370859 Ajaib Singh, Electrician
17. MES No. 371952 Hardev Singh, Electrician HS II
18. MES No. 369590 Tek Bahadur, electrician
19. MES No. 371983 Lakhvir Singh, Electrician HS II
20. MES No. 373564 Paramjeet Singh, Mate
21. MES No. 369914 Major Singh, Mate
22. MES No. 369645 Des Raj, Electrician SK
23. MES No. 371882 Nirmal Singh, Mate Electrician
24. MES NO. 313004 Lal Chand, Electrician HS II
25. MES No. 373560 Kundu Singh, Mate Electrician
26. MES No. 370204 Phallu Singh, Electrician HS II
27. MES No. 371759 Gurtej Singh, Mate Electrician

All C/o Garrison Engineer (S) Bathinda.

**.....Applicants**

**Versus**

1. Union of India through Secretary, Ministry of Defence, CGO Complex, New Delhi.
2. The Engineer in Chief, Army HQ, New Delhi.

3. The Chief Engineer, South Western Command, Jaipur.
4. Commander Works Engineer, Bathinda.
5. Garrison Engineer (S) Bathinda.

.....Respondents

Present: Mr. Shailendra Sharma, counsel for the applicants

**Order (Oral)**

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

1. Learned counsel for the applicants submits that the controversy herein has already been put to rest by various judicial pronouncements by this Court as well as by a learned Co-ordinate Bench of this Tribunal. He further submits that this Court has recently decided an identical **O.A. (NO. 060/00839/2014 titled Lachman Singh & Others Vs. U.O.I. & Others)** on 22.09.2014 and the present O.A. may be disposed of in the same terms.
2. For the order we propose to pass in this case, there is no need to issue notice to the respondents as non-issuance of notice, will not prejudice, in any manner, the interests of the respondents as they are duty bound to extend the relevant benefits to the identically situated employees.
3. After going through the pleadings and finding that the question of law involved herein has already been answered by this Court, we dispose of the O.A., with a direction to the respondents to consider the case of the applicants in the light of decision rendered in the case of Lachman Singh & Others (supra). If they



are found similarly situated like the applicants in the aforesaid case, the relevant benefits may be granted to them otherwise a reasoned and speaking order be passed stating therein the distinction between the two cases. The order so passed be communicated to the applicants. The relevant paras of the order dated 22.09.2014 passed in the case of Lachman Singh & Others (supra) are reproduced hereunder for reference.

"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.

XXXXXXX

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."

9. Disposed of accordingly.

**(UDAY KUMAR VARMA)**  
**MEMBER (A)**

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

**PLACE: Chandigarh**  
**Dated: 05.11.2014**

'mw'