

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH**

O.A. No.060/00984/2014 Decided on: 05.11.2014

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

1. MES No. 371791 Satyabir Singh, Electrician HS I
2. MES No. 373996 Sat Pal Singh, Electrician HS II
3. MES No. 371784 Nek Chand, Electrician HS I
4. MES NO. 371796 Mahinder Kumar, Electrician HS I
5. MES No. 372351 Darshan Singh, Electrician HS I
6. MES No. 374825 Surjit Singh, Electrician HS II
7. MES NO. 370830 Rajender Kumar Electrician HS II
8. MES No. 373605 Ved Parkash, Electrician
9. MES No. 372820 Krishan Kumar, FGM SK
10. MES NO. 372553 Khan Chand, Mate
11. MES No. 371797 Narinder Kumar Electrician HS I
12. MES No. 374682 Bajan Lal, Electrician SK
13. MES NO. 371810 Dharm Pal, Electrician SK
14. MES No. 375471 Ram Lal, FGM SK
15. MES No. 369521 Zila Singh, FGM SK.

All C/o Garrison Engineer (AF) Sirsa

.....**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, Sirsa.
5. Garrison Engineer (AF) Sirsa.

.....**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 applicant in the light of decision rendered in the case of Lachman Singh & Others (supra). If he is found similarly situated like the applicants in the aforesaid case, the relevant benefits may be granted to him otherwise a reasoned and speaking order be passed stating therein the distinction between the two cases. The order so passed be communicated to the applicant. 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.

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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

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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)
PLACE: Chandigarh
Dated: 05.11.2014

(SANJEEV KAUSHIK)
MEMBER (J)

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