

**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA-2704/2012

New Delhi, this the 6th day of December, 2016.

Hon'ble Mr. Shekhar Agarwal, Member (A)

Hon'ble Mr. Raj Vir Sharma, Member (J)

Sh. Pranay Bhardwaj,
S/o late Sh. Om Prakash Sharma,
R/o Vardan Villa, Saket Colony,
Railway Road, Pilkhua,
Panchsheel Nagar, U.P.

...

Applicant

(through Sh. M.K. Upadhiyay)

Versus

1. Union of India,
Secretary,
Ministry of Home Affairs,
North Block, New Delhi-1.
2. The Director,
Central Forensic Science Laboratory,
Central Bureau of Investigation,
Kendriya Karyalaya Parisar, Block-4,
Lodhi Road, New Delhi.

...

Respondents

(through Sh. Hilal Haider)

ORDER (ORAL)

Hon'ble Mr. Shekhar Agarwal, Member (A)

This OA has been filed seeking the following reliefs:

“(i) issue direction to the Respondent to grant revised pay scale and other related benefits to the applicant for the period of 19.08.2003 to 11.05.2009 with interest;

(ii) direct the Respondent to transmit all the records before this Hon'ble Tribunal,

(iii) grant the costs of this OA in favour of the applicant;

(iv) grant any other relief(s) as this Hon'ble Tribunal deem fit and proper in the ends of justice.”

2. Learned counsel for the applicant submitted that this case was squarely covered by the judgment of this Tribunal in OA No. 3558/2009 dated 19.07.2010 in case of Smt. Neelam Arora & Ors. vs. Union of India & Ors. He stated that the only reason why the applicant has not been granted the benefit is that he was not a party to this OA.
3. The respondents, in the impugned order have stated that the relief asked for by the applicants was given only to the applicants of that OA and since the applicant herein was a non-applicant, he has not been extended the same benefit.
4. We have heard both sides. Hon'ble Supreme Court in catena of cases have directed that similarly situated persons should not be forced to approach the court for seeking the same relief which has already been granted.
5. In view of the aforesaid, we quash the impugned order dated 13.04.2011 and dispose of this OA with direction to the respondents to examine the case of the applicant herein. If he is found to be similarly situated as applicants of OA No. 3558/2009, then he be extended the same benefits. In any case, decision may be taken by the respondents within a period of six weeks from the date of receipt of certified copy of this order. No costs.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

/ns/