

**Central Administrative Tribunal  
Principal Bench**

**OA No. 4059/2014**

Order reserved on: 08.02.2016  
Order pronounced on: 03.03.2016

**Hon'ble Dr. B.K. Sinha, Member (A)  
Hon'ble Dr. Brahm Avtar Agarwal, Member (J)**

L.K. Bahl, Age 66,  
Group 'A' Lecturer (Retd.)  
S/o Late Shri Sh. B.L. Bahl,  
R/o H-2, Lajpat Nagar-2,  
New Delhi-110024

-Applicant

(By Advocate: Mr. R.K. Jain)

VERSUS

1. Chief Secretary,  
Govt. of NCT of Delhi,  
Delhi Sechivalaya,  
Players Building, IP Estates,  
ITO, New Delhi-2
2. The Principal Secretary-cum-Director,  
Directorate of Training and Technical Education,  
Muni Maya Ram Marg,  
Pitampura, Delhi-88
3. Secretary,  
Union Public Service Commission,  
Dholpur House, Shahjahan Road,  
New Delhi

-Respondents

(By Advocate: Mrs. Sumedha Sharma)

**ORDER**

**Dr. B.K. Sinha, Member (A):**

The instant OA filed under Section 19 of the Administrative Tribunals Act, 1985 seeks direction that the applicant be extended the same benefits relating to regularization with effect from the date of his appointment

that being 12.12.1988 and also grant him seniority from that date as granted to the similarly situated persons **in OA No. 1501/2004** titled as **Mrs. Usha Anand & Ors. vs. Govt. of NCT of Delhi & Ors.**).

2. This case has a long and meandering history. Admittedly, the applicant, in this case OA, was working as Lecturer in Polytechnics run by Directorate of Training and Technical Education, New Delhi. The Government of India, MHRD had appointed an expert committee in 1972, which came to be known as Madan Committee to revise the staff structure of Engineering/Polytechnic Institutions throughout the country. This Committee recommended that Lecturer should be lowest formation of the teaching faculty. These recommendations were accepted by the Government of India in 1987 and based upon them, the applicant was promoted as Lecturer (ad hoc) in the pre-revised scale of pay of Rs.2200-75-2800-EB-1-4000 vide order dated 12.12.1988. It was mentioned in this letter that formal appointment orders on regular basis would be issued only after approval of UPSC. The respondents did not regularize the ad hoc appointment of the applicant. Accordingly, OA No. 1263/1991 was filed by Association of Gazetted Officers, Technical Education in the Tribunal praying for regularization of their services from the date of

their ad hoc appointment as Lecturer. The said OA was disposed of vide order dated 03.01.1992 directing the respondents to pass formal orders in consultation with the UPSC and also that seniority of those applicants would be reckoned from the date of their ad hoc appointment for the purposes of pension and other retiral benefits. The respondents regularized the ad hoc appointment of those applicants and similarly situated persons w.e.f. 28.05.1990 vide letter dated 10.04.1992. This position was contested by those applicants on the ground that they have lost one and half years of seniority and sought regularization w.e.f. 12.12.1998 the date of their appointment. Subsequently, **OA No. 3065/2002 (Mrs. Usha Anand & Ors. vs. Govt. of NCT & Anr.)** was filed by these applicants seeking regularization and other attending benefits w.e.f. 12.12.1988, instead of 28.05.1990. This was disposed of vide order dated 03.10.2003 with direction to treat the OA as a supplementary representation and to pass a detailed speaking order in light of the decision in OA No. 1263/1991. Aggrieved by non-implementation of directions of the Tribunal passed in OA No. 3065/2002, CP No. 116/2004 was filed and the respondents issued an order dated 29.04.2004 in purported compliance of the Tribunal's order dated 03.10.2003 in OA No. 3065/2002, stating that it had not been possible to accede to their request to count

the period i.e. ad ho service rendered by them, for the purpose of seniority and promotion. Aggrieved by this order, the applicants (Usha Anand & Ors.) filed another OA No. 1501/2004 before the Principal Bench, New Delhi. This OA was disposed of vide order dated 03.03.2005 whereby the offending order dated 29.04.2004 as well as seniority list issued by the respondents were quashed and set aside with direction to regularize the services of the applicants from the date of their ad hoc appointment, i.e., 12.12.1988 and also to reckon their seniority from this date for all purposes, including promotion, pension and other retirement benefits. This order was challenged before the Hon'ble High Court of Delhi in WP (C) Nos. 12292-93/2005 titled as **Govt. of NCT of Delhi & Anr. vs. Usha Anand & Ors.**, which was disposed of vide order dated 04.04.2011. The Hon'ble High Court, after having considered all issues raised, found no illegality or unsustainability or perversity in the order of the Tribunal which required interference in exercise of its jurisdiction under Article 226 of the Constitution. As a consequence of this, services of the similarly placed persons, namely, Usha Anand, D.N.K. Gawri, S.B. Mathur, H.S. Bawa and Virender Anand were regularized from the date of their ad hoc appointments, i.e. 12.12.1988 in place of 28.05.1990. On 20.12.2011, the respondents preponed the date of grant of Senior Scale to

those similarly situated persons. On 01.03.2012, the respondents preponed the date of grant of Selection Grade-II to said Usha Anand.

3. The applicant has, therefore, prayed for the following reliefs:-

- “(A) To allow the present O.A.
- (b) To direct the respondents to grant the same benefits to the present applicant as granted to the similarly situated applicant in O.A. No. 1501/2004 and for that purpose to direct the respondents to grant to the applicant the benefit of counting of past service as ad-hoc Lecturer w.e.f. 12.12.1988, by regularizing (w.e.f. 12.12.1988 as Lecturer, by pre-poning their dates of grant of selection grade to 2004 as per the AICTE 1989 scheme, and also grant them the benefit of seniority w.e.f. 12.12.1988 for all purposes including promotion, pension and other retirement benefits. In case the applicant is eligible for grant of any benefit under the Career Advancement Scheme, the same may also be allowed.
- (C) Respondents may be directed to grant to the applicant benefit of pay in the pay Band Rs. 37400-67000 with GP 9000 with arrears of Gratuity, Leave Encashment, Difference of Pay, arrears of Revised Pension, with interest @18% p.a. from the date the same fell due till the actual date of payment.
- (D) Direct the Respondents to pay costs of this litigation.
- (E) Any other relief which this Hon’ble Tribunal deems fit and proper may also be passed in the interest of

justice in favour of the applicant and against the Respondents.”

The applicant has also prayed that being identically situated as the applicants in OA No. 1501/2004 (**Usha Anand & Ors. vs. GNCT & Anr.**), OA No. 2291/2012 (**R.K. Baggi & Ors. vs. GNCT of Delhi & Ors.**) and OA No. 3696/2012 (**Ashok Kumar Chopra Vs. GNCT of Delhi & Ors.**), he may also be extended the same benefits as have been granted to them.

4. The applicant has also relied upon the cases of **K.C. Sharma Vs. Union of India**, JT (1997)7 SCC 58, **V.K. Kapoor Vs. Union of India**, JT 2007(12) 439 and **CBI vs. Irpindra Nath Sarkar** (2008) 11 SCC 249 to contend that one should not be dragged to the court if the decision is in rem and covers the case of identically situated persons. The law of limitation would also not apply in such case and identically situated persons should not be forced to approach the Courts of Law.

5. The respondents, in their counter affidavit, have admitted the facts and also that the applicant is identically situated person. However, it has been stated at the end of the affidavit that the applicant is not entitled to any relief(s) as in other cases, the orders had been issued under

directions of the courts and that the applicant had been regularized w.e.f. 28.05.1990.

6. We have carefully examined the pleadings of the parties as also the documents submitted by them and also listened oral submissions made by their respective counsels. The oral arguments advanced by the respective counsels have followed their written submissions.

7. It stands well admitted by the respondents that the applicant is identically situated as Usha Anand, R.K. Bhagi, S.P. Khanna, Anjula Bhattacharya and others. We have also taken note of the decision of this very Tribunal dated 25.11.2013 in OA No. 2291/2012 and OA No. 3696/2012 that similarly situated persons need not come to the court again and again for redressal of their grievances. For the sake of greater clarity, we reproduce paras 4 and 5 of the said order as under:-

“4. It is trite that when a decision of a Court attains finality, it must not only be respected but should be enforced and implemented evenly and without discrimination in respect of all the employees who are entitled to the benefits which has been allowed to employees who have obtained them through orders from the Court. In this connection, we are reminded of the very pertinent observation of the Honble Apex Court in *Inder Pal Yadav v. Union of India*, (1985) 2 SCC 648 that those who could not come to the Court need not be at a comparative disadvantage to those who rushed in here, if they are otherwise similarly situated, they are entitled to similar treatment, if not by anyone else at the hands of this Court. ..

5. We would also like to mention that Government, as a model employer, should not play hide and seek in its dealings with the employees. If a relief has been fairly and squarely conceded, either on account of change of policy or change of mind of the executive authorities or on account of the ruling of a Court, and which has achieved finality, it should be freely and voluntarily extended to all similarly placed persons, rather than doling it out on case by case basis and thereby making all potential and prospective beneficiaries to rush to the courts. This is the ratio of several judgments of the Hon'ble Supreme Court as well as orders of this Tribunal [State of Karnataka & Ors. v. C. Lalitha, 2006 (2) SCC 747; Smt Prem Devi & Anr. v. Delhi Administration & Ors., 1989 Supp (2) SCC 330; Inder Pal Yadav & Ors. v. Union of India & Ors., 1985 (2) SCC 648; Naval Singh v. Union of India & Ors. in OA No. 2223/2005, decided on 05.07.2006; and in R.B. Bhatt, AFO & Ors. v. Union of India & Anr. in OA No. 3382/2001, decided on 06.06.2002].”

8. In view of the above, we have no hesitation to allow the OA with directions to the respondents to extend all the benefits granted to the similarly situated persons in compliance of the orders passed by this Tribunal in OA No.1501/2004, referred to above, to the applicant also, with all consequential benefits in accordance with law/rules. No order as to costs.

**(Dr. Brahm Avtar Agarwal)**  
**Member (J)**

**(Dr. B.K. Sinha)**  
**Member (A)**

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