

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O. A. No.60/522/2018

... Date of decision: 02.05.2018

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MRS. P. GOPINATH, MEMBER (A).**

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MES No.600054 Gurmej Singh, aged 69 years, S/o Sh. Kartar Singh, Junior Engineer (E/M)(Retd.), O/O Garrison Engineer, Air Force, Adampur, R/o Village and Post Office Babri Nangal, Tehsil and District Gurdaspur, Group 'B'.

... APPLICANT

VERSUS

1. Union of India through Secretary to Government of India, Ministry of Defence, South Block, New Delhi.
2. Secretary to Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training, Nirman Bhawan, New Delhi.
3. Engineer-in-Chief, Army Headquarters, Kashmir House, Rajaji Marg, DHQ PO, New Delhi-110011.
4. Director General (Pers.) Army Headquarters, Kashmir House, Rajaji Marg, DHQ PO, New Delhi-110011.
5. Chief Engineer, Western Command, Chandimandir, Panchkula.
6. Garrison Engineer (AF), Military Engineer Service, Adampur-144103.

... RESPONDENTS

PRESENT: Sh. R.K. Sharma, counsel for the applicant.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. Present O.A. has been filed where the applicant has challenged correctness of order dated 11.04.2018 (Annexure A-1), whereby his claim for grant of benefit arising out of order dated 30.05.2007 in the case of **Karnail Singh Jhandu & Ors. Vs. UOI & Ors.** O.A. No.431/CH/2006 has been rejected on the ground that MoD has

informed that the aforesaid judgment cannot be taken as a precedent in other cases.

2. Heard Sh. Sharma, who argued that one of the colleagues of the applicant namely Sh. Karnail Singh Jhandu approached this Tribunal for grant of benefit which the applicant is asking in this O.A. by filing O.A. No.431/CH/2006 which was disposed of vide order dated 30.05.2007 on the basis of decision dated 09.02.2000 in the case of **Bharat Bhushan & Others Vs. Union of India & Ors.** The order of this Court travelled to Hon'ble High Court at the hands of the respondents by filing Civil Writ Petition No.3223 of 2008, which was dismissed on 07.09.2015 affirming the order of this Court. Learned counsel submitted that order of this Court has been implemented by the respondents. Being similarly placed person like Karnail Singh Jhandu, applicant submitted representation for grant of same very relief, which has been turned down by the respondents on 11.04.2018 by passing a non-speaking order. Thus, the applicant is before this Court by filing present O.A.
3. Learned counsel for the applicant submitted that impugned order is non-speaking as the respondents have not given reasons why case of the applicant is not similar to that of Karnail Singh Jhandu case (supra). They have rejected his claim merely by saying that it has been ordered by MoD that relied upon judgment cannot be taken as precedent. He argues that similarly placed person cannot be forced to approach the Court of law for same very relief which has already been settled by the Court of law. Therefore, he prayed that the impugned order be quashed and set aside.
4. Issue notice to the respondents.

5. Sh. Ram Lal Gupta, Advocate, who is in receipt of advance copy of the petition accepts notice on behalf of the respondents and is not in position to support the impugned order. He, however, submitted that they be given chance to reconsider the case of the applicant in the light of ratio laid down in the case of Karnail Singh Jhandu.
6. We have heard learned counsel for the parties and perused the pleadings available on board. Perusal of the impugned order does not suggest application of mind by the respondent department while dis-agreeing with the claim raised by the applicant in his representation. They have denied the benefit to the applicant arising out of decision in the case of Karnail Singh Jhandu (supra) on the plea that MoD has clarified that decision cannot be taken as precedent for grant of same relief in other cases. It is settled proposition of law that once an issue has been settled by Court of law then respondents cannot be allowed to reject the claim of similarly placed persons for grant of similar relief on the ground that they were not party to proceedings or decision cannot be treated as precedent to be followed in other cases.
7. Once the question in principle has been settled, it is only appropriate on the part of Govt. of India to issue circular so that it will save time of the Court and administrative department apart from avoiding unnecessary and avoidable expenses. The view taken by the respondents is also against litigation policy issued by Govt. of India for reducing litigation. Since the issue has already been settled by this Court and has also been complied with despite that the claim raised by similarly placed person has been rejected without there

being a whisper in the impugned order why benefit cannot be allowed in favour of the applicant.

8. Accordingly, in the light of above observation, the impugned order is quashed and matter is remitted back to the respondents to reconsider the case of the applicant in the light of ratio laid down in the case of Karnail Singh Jhandu.
9. The O.A. is disposed of in limine in the above terms.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 02.03.2018.
Place: Chandigarh.

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