

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O. A. No.60/557/2018

Date of decision: 11.05.2018

...

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

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Taranjit Kaur, aged about 39 years W/o Charanjit Raheja, Staff Nurse, Jawahar Navodaya Vidyalaya, V.P.O. Dhilwan, Tehsil Tapa, District Barnala (Group-C).

... APPLICANT

VERSUS

1. Union of India, Ministry of Human Resource Development through Secretary, Department of School Education and Literacy, Shastari Nagar, 4th Floor, New Delhi.
2. The Commissioner, Navodaya Vidyalaya Samiti B-15, Institutional Area, Sector-62, Noida, Uttar Pradesh.
3. The Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office, Bay No.26-27, Sector-31-A, Chandigarh.
4. The Principal, Jawahar Navodaya Vidyalaya, V.P.O. Dhilwan, Tehsil Tapa, District Barnala.

... RESPONDENTS

PRESENT: Sh. S.K. Rattan, counsel for the applicant.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. Present O.A. has been filed seeking following relief(s):-

- 8(i). That the applicant prays for grant of revised pay scale of Rs.12540/-+Rs.4600/- (Grade Pay)=Rs.17,140/- w.e.f. 1.1.2006 to the applicant as has been granted to a new entrant joining on 01.01.2006 or after that date as recommended by the 6th Pay Commission and also to grant Date of next Increment (DNI) on 01.07.2006 and further revision of pay from time to time, with all consequential benefits as the same relief has been granted to the similarly

situated employees along with interest @12% per annum, in the interest of justice.”

2. On commencement of hearing, learned counsel appearing on behalf of the applicant submitted that despite there being judicial pronouncement by this Court in the case of similarly situated person granting the same very relief, which the applicant is seeking in the present O.A., respondents have turned down her claim by replying to legal notice dated 16.01.2018 on the plea that there is no order passed in favour of the applicant by Court of law and benefit is being granted to only those persons in whose favour order has been passed by Court. Thus, he submitted that view taken by the respondents cannot sustain. He drew our attention to order dated 21.10.2014 in the case of **Vijay Pal vs. UOI & Ors.** (O.A. No.1163/HR/2013) passed by the Co-ordinate Bench of this Tribunal in which one of us Member (J) was party (Annexure A-8) where while accepting plea raised by the applicant therein, this Court while allowing O.A. directed respondents therein to grant pay-scale of Rs.12540/-+Rs.4600/- (Grade Pay)=Rs.17,140/- as has been granted to a new entrant joining as TGTs w.e.f. 01.01.2006 or after that date as recommended by 6th Pay Commission. He also submitted that Writ Petition No.15961/2015 relied upon by the respondents in their reply to her legal notice has also been decided by affirming order of this Court dismissing the writ petition at the hands of the respondents. Therefore, he prayed that view taken by the respondents be invalidated and direction be issued to them to consider the case of the applicant in the light of relied upon case and if she is similarly placed then the benefit be extended to her otherwise a reasoned and

speaking order be passed which can be challenged before Court of law.

3. Issue notice to the respondents.
4. Sh. Ram Lal Gupta, Advocate, accepts notice on behalf of the respondents and is not in a position to support the impugned order, which to our mind has been passed by the respondents without application of mind.
5. Considering the fact that issue involved in this O.A. has already been settled by the Court of law and affirmed up to Hon'ble High Court and has also been implemented across the country in the case of similarly placed persons, then there is no occasion for the respondents to deny the benefit by taking ground that there is no order by Court of law in her favour.
6. 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. Once the question in principle has been settled, it is 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 the applicant has been rejected without considering the ratio relied upon by her forcing the

poor employee to knock door of Court. Huge expenses have also been incurred on these type of matters which pertain to tax payer.

7. Accordingly, we dispose of this O.A. in limine with a direction to competent authority amongst the respondents to reconsider the case of the applicant in the light of ratio relied upon by the applicant. If applicant is held similarly placed, then benefit be granted in her favour otherwise a reasoned and speaking order be passed within a period of 2 months from the date of receipt of a certified copy of this order, which be communicated to the applicant.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 11.05.2018.
Place: Chandigarh.

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