

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION NO. 290/00210/16

**JODHPUR, THIS THE 8TH DAY OF JANUARY,
2018
CORAM**

**HON'BLE MR. R. RAMANUJAM, ADMINISTRATIVE MEMBER
HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER**

**SHYAMENDRA PRAKASH, S/O SHRI OM PRAKASH GAUTAM, AGED ABOUT
50 YEARS, R/O BLOCK 62/377 HEAVY WATER COLONY, RAWATBHATA,
DISTRICT – CHITTORGARH, (OFFICE ADDRESS:- WORKING AS SCIENTIFIC
ASSISTANT –E AT HEAVY WATER PLANT KOTA).**

**.....APPLICANTS
BY ADVOCATE:- MR S.P. SINGH.**

VERSUS

- 1. UNION OF INDIA THROUGH THE SECRETARY, DEPARTMENT OF ATOMIC ENERGY, CHATRAPATHI SHIVAJI MARG C.S. M. MARG, MUMBAI – 400001.**
- 2. THE ADDITIONAL SECRETARY, DEPARTMENT OF ATOMIC ENERGY, CHATRAPATHI SHIVAJI MARG, (C.S.M. MARG), MUMBAI – 400001.**
- 3. THE CHIEF EXECUTIVE HEAVY WATER BOARD, 5TH FLOOR, VIKRAM SARABHAI BHAVAN ANUSHAKTI NAGAR MUMBAI-400094.**
- 4. THE GENERAL MANAGER, HEAVY WATER PLANT POST : ANUSHAKTI VIA – KOTA DISTRICT – CHITTORGARH RAJASTHAN – 323303.**
- 5. THE ADMINISTRATIVE OFFICE HEAVY WATER PLANT (KOTA) POST – ANUSHAKTI VIA – KOTA DISTRICT – CHITTORGARH, RAJASTHAN – 303303.**

.....RESPONDENTS

BY ADVOCATE : MR K.S. YADAV

ORDER (ORAL)

PER R. RAMANUJAM, MEMBER(A)

THE APPLICANT HAS FILED THIS OA SEEKING FOLLOWING

RELIEF(S):

**(A) THAT BY WRIT, ORDER OR DIRECTION THE IMPUGNED ORDER
MEMO NO. HWP(K)/IR/CC/2015/5462 DATED 14.09.2015 (ANNEXURE-A/1) MAY**

KINDLY BE DECLARED AS ILLEGAL, IMPROPER AND DESERVED TO BE QUASHED AND SET ASIDE WITH ALL CONSEQUENTIAL BENEFITS.

(B) THAT BY WRIT, ORDER OR DIRECTION THE RESPONDENTS MAY KINDLY BE DIRECTED TO RE-DESIGNATE THE POST OF SCIENTIFIC ASSISTANT-A TO SCIENTIFIC ASSISTANT-B WITH EFFECT FROM 01.05.1993 IN FAVOUR OF APPLICANT AND CONSEQUENTIAL BENEFITS MAY KINDLY BE GRANTED. SUCH AS SENIORITY PROMOTION, ARREARS AND ALLOWANCE ETC.

(C) THAT ANY OTHER DIRECTION OR ORDERS MAY BE PASSED IN FAVOUR OF THE APPLICANT, WHICH MAY BE DEEMED JUST AND PROPER UNDER THE FACTS AND CIRCUMSTANCES OF THIS CASE IN THE INTEREST OF JUSTICE.

(D) THAT THE COSTS OF THIS APPLICATION MAY BE AWARDED TO THE APPLICANT.

2. HEARD LEARNED COUNSEL FOR THE PARTIES. LEARNED COUNSEL FOR THE APPLICANT SUBMITS THAT THIS RELIEF SOUGHT IN THE OA HAD ALREADY BEEN GRANTED IN RESPECT OF CERTAIN OTHER SIMILARLY PLACED PERSONS WHO HAD THE BENEFIT OF FAVOURABLE ORDERS FROM THIS TRIBUNAL. HE WOULD REFER TO ANNEX. A/15 & A/16 IN THIS REGARD AND SUBMIT THAT THE APPLICANT COULD NOT BE DISCRIMINATED AGAINST ONLY FOR THE REASON THAT HE WAS NOT A PARTY IN THE RELEVANT OAS.

3. LEARNED COUNSEL FOR THE RESPONDENTS WOULD, HOWEVER, SUBMIT THAT THE SIMILARLY PLACED PERSONS REFERRED TO BY THE LEARNED COUNSEL FOR THE APPLICANT HAD BEEN GRANTED THE BENEFIT OF THE ORDER OF THIS TRIBUNAL PASSED IN OAS NO. 149/2012, 150/2012 & 151/2012 SUBJECT TO THE FINAL OUTCOME OF THE WRIT PETITION NO. 5523/2006 (PAGE 52 OF THE OA) AND OTHER CONNECTED WRIT PETITIONS PENDING BEFORE THE HON'BLE HIGH COURT OF HYDERABAD AND MADHYA PRADESH. AS THE MATTER HAS NOT ATTAINED FINALITY IN TERMS OF LAW, THE APPLICANT COULD NOT BE EXTENDED THE BENEFIT AUTOMATICALLY.

4. WE HAVE CONSIDERED THE SUBMISSIONS. IT IS NOT IN DISPUTE THAT THE RESPONDENTS HAVE COMPLIED WITH THE ORDER OF THIS TRIBUNAL IN THE AFORESAID OAS SUBJECT TO THE OUTCOME OF THE WRIT PETITIONS PENDING IN THE HON'BLE HIGH COURTS OF HYDERABAD AND MADHYA PRADESH. WE ARE, THEREFORE, OF THE VIEW THAT THE SAME BENEFIT COULD BE GRANTED TO THE APPLICANT HEREIN AS WELL, SUBJECT TO THE OUTCOME OF THE RELEVANT WRIT PETITIONS. THE RESPONDENTS ARE DIRECTED TO PASS ORDERS ACCORDINGLY WITHIN TWO MONTHS FROM THE DATE OF RECEIPT OF A COPY OF THIS ORDER.

5. OA IS DISPOSED OF IN ABOVE TERMS. NO ORDER AS TO COSTS.

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(SURESH KUMAR MONGA)
MEMBER (J)
MEMBER (A)

(R. RAMANUJAM)

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