

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
(CIRCUIT BENCH AT SHIMLA)**

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**ORIGINAL APPLICATION NO.063/01154/2019 etc.
DECIDED ON : 08.11.2019**

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MR. MOHD. JAMSHED, MEMBER (A)**

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(I) O.A.NO.063/01154/2019

Sant Ram Thakur son of Shri Beli Ram, resident of Vill. Soon, P.O. Lagda Ghat, Tehsil Ramsahar, District Solan, H.P. Pin-174102.

...
Applicant

(II) O.A.NO.063/01155/2019

Babu Ram son of Late Shri Ganga Ram, resident of Vill. & P.O. Chhakoh, Tehsil Sadar, District Bilaspur, H.P. Pincode-174001.

(III) O.A.NO.063/01156/2019

Gian Chand son of Late Shri Zulfi Ram, resident of Vill. Gujreda (Godam), P.O., Kangoo, Tehsil Nadaun, District Hamirpur-177040 (H.P.).

(IV) O.A.NO.063/01157/2019

Sarita Bhardwaj W/o Shri Yash Pal Bhardwaj, resident of Flat No. 511, ECO Green, Phase-II, GBP, Dera-Bassi (Punjab)-0140507.

(V) O.A.NO.063/01158/2019

Jaspal Singh son of Late Shri Pritam Singh, resident of Vill. Gurshali, P.O. Badheri-Totu, Tehsil & District Shimla-171011, H.P.

(VI) O.A.NO.063/01159/2019

Rajinder Singh Negi son of Late Shri Dharam Singh, resident of Phagli, Shimla-171004 (H.P)

(VII) O.A.NO.063/01160/2019

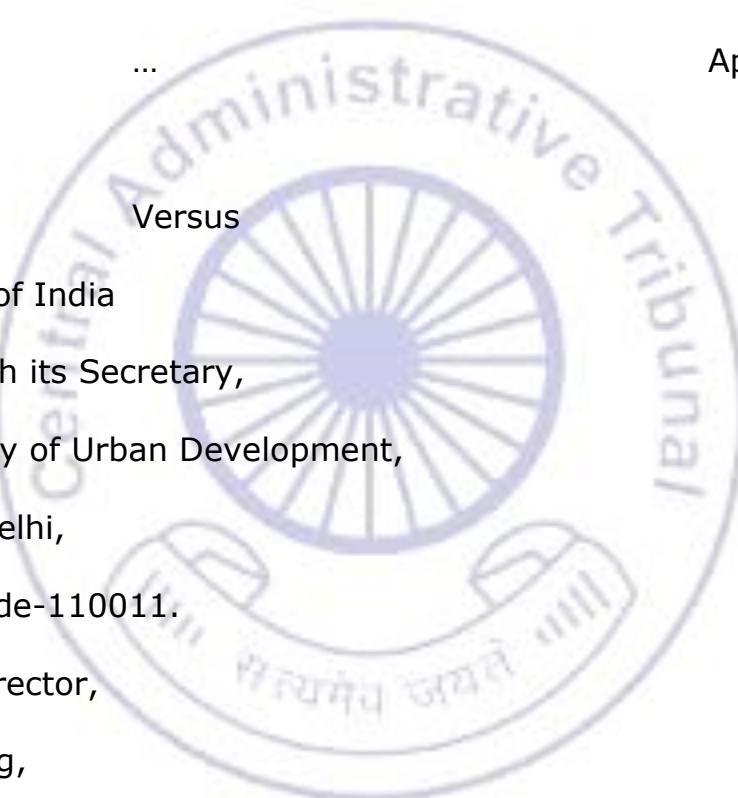
Satinder Singh son of Late Shri Baynt Singh, resident of Rajakalan, P.O. Garhdiwala, Distt. Hoshiarpur, Punjab-144207.

(VIII) O.A.NO.063/01161/2019

Babu Ram son of Late Shri Bhagat Ram, resident of Vill. Odda, P.O. Diggal, Tehsil Nalagarh, District Solan-173218, H.P.

(IX) O.A.NO.063/01162/2019

Girish Chander Panthri son of Late Shri Gunan Nand, resident of Lane-14-B, House No. 44, Inderprath Colony, Nathapur upper Dehradun (U.K)- Pincode-248005.



1. Union of India
through its Secretary,
Ministry of Urban Development,
New Delhi,
Pin Code-110011.
2. The Director,
Printing,
Government of India Press,
Shimla,
Pin code No. 171004.

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Respondents

(BY: MR. K.S. THAKUR, ADVOCATE FOR THE APPLICANTS.

ORDER (ORAL)
SANJEEV KAUSHIK, MEMBER (J)

1. These bunch of 9 cases involve identical question of facts and law and as such these are being disposed of by a common order. For reference, the facts are being taken from O.A. No.063/01154/2019 titled **SANT RAM THAKUR VS. UNION OF INDIA & ANOTHER.**

2. The applicant lays challenge to an order dated 19.6.2019 (Annexure A-4), whereby his representation dated 29.4.2019 (Annexure A-2) for grant of one increment on completion of 12 months of service, pursuant to judgment dated 15.9.2017 (Annexure A-3) in Writ Petition No. 15732/2017 in the matter of **P. AYYAMPERUMAL VS. THE REGISTRAR, CENTRAL ADMINISTRATIVE TRIBUNAL & OTHERS**, by High Court of Judicature at Madras, as upheld by Hon'ble Apex Court by dismissing Special Leave petition (Civil) No.22283/2018 titled **UNION OF INDIA & OTHERS & OTHERS VS. P. AYYAMPERUMAL**, vide order dated 23.07.2018 (Annexure A-5) and Review Petition No.1731/2019 vide order dated 8.8.2019, moved at the hands of the Union of India & Others, has been declined on the ground that as per directives received by them from DoPT and Department of Legal Affairs, court judgments are applicable to parties only and are not to be extended in general, unless directed by the court of law.

3. Notice.

4. Mr. Anshul Bansal, Advocate, accepts notice.

5. The view taken by the respondents in the impugned order, Annexure A-4, that the applicant cannot be extended benefit of indicated judgments, cannot be sustained in the eyes of law as courts, time and again, have cautioned the authorities to grant benefit of a decision to similarly situated employees without forcing them to approach the court of law individually.

6. It is apparent that the issue has been set at rest upto the highest dispensation, so we see no earthly reason with the authorities to deny the benefit of the pointed decisions to identically placed persons like the applicant herein. In the case of **K.C. SHARMA VS. UOI ETC.**, 1997(3) SCT 341 and **SATBIR SINGH VS. STATE OF HARYANA ETC.**, 2000(2) SCT 54, it has been held that benefit of a judgment cannot be denied to similarly situated employees. Similarly, in **UNION OF INDIA AND ANR. VS. LALITA S. RAO & ORS.**, AIR 2001 SC 1972, it was held that an order of a court should be implemented for similarly situated employees whether party or not instead of forcing each and every individual to approach the court of law for similar relief.

7. The learned counsel for the respondents was not in a position to defend the impugned orders passed in this bunch of cases, considering the fact that the issue has attained finality upto the Hon'ble Apex Court of the country.

8. In the wake of the aforesaid factual and legal scenario, these O.As are allowed. The impugned orders in these cases are quashed and set aside. The matter is remitted back to the respondents to have a fresh look on the issue in the light of the law laid down by Hon'ble Madras High Court in the case of **P. AYYAMPERUMAL** (supra), as upheld upto Hon'ble Apex Court, by passing a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. The parties are, however, left to bear their own costs.

(MOHD. JAMSHED)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

PLACE: SHIMLA
Dated: 08.11.2019

HC*