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Notes

Orders

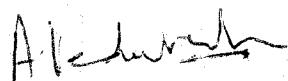
9.10.97

ORDERM.A. No.1929/96
O.A. No. 302/95Present: Shri Raval for applicant
Shri E.X.Joseph, Sr. Counsel for
Respondents

We have heard Shri Raval on his preliminary objection that Shri E.X.Joseph, Sr. Counsel could not represent Respondent No.1 as well as Respondent No.3, because while R-3 had recommended the grant of risk allowance, the same had been rejected by R-1.

2. We hold that merely because R-3 recommended the grant of risk allowance to applicants at a certain point of time, which was not accepted by R-1, cannot by itself debar Shri Joseph from representing both R-1 as well as R-3. It is ultimately for the concerned parties to make their own arrangement for their defence in a judicial proceeding, and in the facts and circumstances of the particular case, we see no infirmity in Shri Joseph's representing R-1 as well as R-3.

3. Issue copy of this order to both parties and list for final hearing on 6.11.1997.



(DR. A. VEDAVALLI)

Member (J)



(S.R. ADIGE)

Vice Chairman (A)

/GK/

6-11-97

09.10.95

Present - None for the applicant

Shri E.X. Joseph, counsel for the respondent

OA dismissed by a D.B. of Justice Shri S. R. Adige
and Mrs. S. R. Adige, Secretary, M.D.

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CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 302 of 1994

New Delhi, dated the 6th November, 1997

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE Mrs. LAKSHMI SWAMINATHAN, MEMBER (J)

1. Central Research Institute
Emp. Association (Regd.)
& Recognised by GOI
through its President
Shri Karam Dass,
S/o Shri Brestu Ram,
R/o Vill. Nalwa,
P.O. Kasauli.
2. Shri Om Prakash Sharma,
S/o Shri Mani Ram,
LDC,
CRI, Kasauli.
3. Shri V.C. Pappachan,
S/o late Shri V.C. Kuriakose
R/o C-6-B/90, Janakpuri,
New Delhi-110058.

... APPLICANTS

(None appeared)

VERSUS

1. Union of India through
the Secretary,
Ministry of Health & F.W.,
Nirman Bhawan,
New Delhi.
2. The Director General of
Health Services (DGHS),
Ministry of Health & F.W.,
Nirman Bhawan,
New Delhi.
3. The Director,
Central Research Institute,
Govt. of India,
Kasauli.

... RESPONDENTS

(By Advocate: Shri E.X. Joseph)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

None appeared for applicant even on the second call. Shri E.X. Joseph for Respondents appeared and was heard.

2. Applicant (Central Research Institute Employees Association through its President) and two others pray for grant of risk allowance on the same rate as is made applicable to Group 'A' officers w.e.f. 1.1.86 together with arrears and interest thereon.

3. In Para 4.15 of Respondents' reply it has been stated that no Group 'A' Officer is in receipt of risk allowance in the Office of Respondent No.3. A proposal was sent to the DGHS (R-2) recommending the grant of risk allowance to Group B, C & D employees. But the High Power Committee rejected the demand. In Para 4.13 of Respondents' reply it has been stated that an Office Order No. 191/91 was issued to grant conveyance allowance and risk allowance to non-medical scientists but the grant of risk allowance was cancelled vide Office Order No. 978/92 and recoveries of payment made were ordered. (Ann A-4)

4. Applicants in Para 4.13 of their rejoinder contend that the risk allowance paid, has not been recovered till date and plead for payment of risk allowance for that period for which those officers were paid risk allowance and recoveries were not effected.

5. Manifestly when the order granting risk allowance has been withdrawn and recoveries have been ordered to be made no directions can be issued to pay risk allowance to the applicants.

6. The O.A. warrants no interference and is dismissed. No costs.

Lakshmi Swaminathan *Adige*
(Mrs. LAKSHMI SWAMINATHAN) (S.R. ADIGE)
Member (J) Vice Chairman (A)
/GK/