

(19)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.336/1995
M.A. NO.431/1995

New Delhi this the 17th day of September, 1996.

HON'BLE SHRI JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN
HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

1. All India Civil Accounts Employees Association (Chief Controller of Accounts, M.E.A. Branch), Akbar Bhawan, New Delhi.
Shri M. D. Gupta S/O Shri Ram Narain Gupta, R/O 3323 Hari Mandir, Pahar Ganj, New Delhi.
and employed as Senior Accountant in the office of the Chief Controller of Accounts, Ministry of External Affairs, New Delhi and Member (Executive) of the Association.
2. Shri S. S. Arya S/O Shri S. L. Arya, R/O F-124, Nauroji Nagar, New Delhi-110023,
and employed as Senior Accountant in the office of the Chief Controller of Accounts, Ministry of External Affairs, New Delhi.

... Applicants

(By Shri B. S. Raval, Advocate)

- Versus -

1. Union of India through Secretary, Ministry of External Affairs, Government of India, South Block, New Delhi.
2. The Secretary, Ministry of Finance (Department of Expenditure), Government of India, North Block, New Delhi.
3. The Chief Controller of Accounts, Ministry of External Affairs, Government of India, Akbar Bhawan, New Delhi.

...2.

4. All India Civil Accounts Employees Association (Recognised by Govt. of India) having its Headquarters at 48/6, Gangaram Hospital Marg, New Delhi-110060 through Shri V. Bhattacharjee, Secretary General, All India Civil Accounts Employees Association.

5. Shri I. S. Biltoria working as Sr. Accountant, Pay & Accounts Office (Civil Aviation), C-1 Hutmants, Dalhousie Road, New Delhi. ... Respondents

(Respondents 1 to 3 by Shri P. H. Ramchandani, Sr. Counsel and Respondents 4 and 5 by Shri A. K. Behera, Advocate)

The application having been heard on 17.9.1996 the Tribunal on the same day delivered the following :

O R D E R

CHETTUR SANKARAN NAIR, J./CHAIRMAN —

Applicants, two in number, seek a direction to encadre members of All India Civil Accounts Employees Association (Chief Controller of Accounts, M.E.A. Branch) into Indian Foreign Service (Group 'B') in different grades. The Union of India and some of the affected parties oppose the application tooth and nail, raising grounds of limitation and lack of jurisdiction. It is said that the cause of action, if at all, arose long prior to the Tribunal acquired jurisdiction in such matters.

It is also said that time has defeated the claims of applicants, assuming there were any. It is further submitted that the state of affairs crystallised for long should not be unsettled on a distant date. We do not propose to go into the

merits of the contentions, as Annexure-A representation is pending consideration of first respondent. Standing counsel for official respondents submits that the representation will be considered on merits and disposed of within six weeks from today. We record the submission. We make it clear that we have not expressed any opinion on the merits or on the question of maintainability or limitation, or even on the question of the jurisdiction of this Tribunal to adjudicate on such matter. We make it further clear that this order will not confer a cause of action on applicants, if otherwise there is none. Status quo as on today as regards second applicant will be maintained until a decision on the representation appended to Annexure-A.

2. The application is disposed of as aforesaid.
No costs.

Dated, the 17th September, 1996.

R. K. Ahuja
(R. K. Ahuja)
Member (A)

Chettur Sankaran Nair, J.
Chairman

/as/