

(2) (14)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

1) O.A. NO. 444/1995

2) O.A. NO. 494/1995

New Delhi this the 19th day of January, 1998.

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

1) O.A. NO. 444/1995

1. J. P. Kaushik s/o late Madan Lal
r/o C-237 Janakpuri,
New Delhi.
2. Vishwa Nath Mahra s/o late Ladha Ram
r/o H-239 Ashok Vihar Phase-I,
Delhi.
3. Chander Bhan s/o late Lakshmi Chand
r/o 29 Vasudha Enclave,
Pitam Pura, Delhi. ... Applicants

2) O.A. NO. 494/1995

1. Ajit Prasad Jain s/o late Tulsi Ram Jain
r/o Flat No.2, Block 5, MCD Flats,
Model Town III, Delhi.
2. Ram Kishan-II s/o late Banwari Lal
r/o C-9/2 Model Town,
Delhi.
3. Bhagwan Singh s/o late Pt. Deep Chand
r/o 56, Vasudha Enclave,
Pitampura, Delhi. ... Applicants

(By Shri Sant Lal, Advocate)

-Versus-

1. i. Union of India through
Secretary, Ministry of
Communications, Department of
Telecommunications,
Sanchar Bhawan,
New Delhi.
- ii. Secretary, Ministry of
Communications, Department
of Posts, Dak Bhawan,
New Delhi.
2. The Comptroller & Auditor General
of India, Bahadur Shah Zafar Marg,
New Delhi.

[Signature]

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3. The Principal Director, Audit, Posts & Telecommunications (formerly designated as Accountant General, Posts & Telegraphs), Old Secretariat, Delhi.

4. The Director of Audit, Posts & Telecommunications (Formerly designated as the Director of Audit and Accounts, Posts & Telegraphs), Old Secretariat, Delhi.

... Respondents
(in both the O.A.s)

(By Shri Praveen Khattar, Proxy for Shri K. R. Sachdeva, Advocate)

O R D E R (ORAL)

Shri Justice K. M. Agarwal :-

At the time of admission on 8.3.1995, the ordersheet as follows was recorded in O.A. No. 444/1995 :-

"2. The case relates to a claim that a judgement earlier delivered by the High Court of Delhi in respect of 3 persons, which was subsequently affirmed in the L.P. appeal, should also be made applicable to the present applicants. Subsequent to the LPA, it appears representations were filed but the grievance of the applicants have not been removed. Instead Annexure A-1 order dated 28.2.94 has now been issued by the respondents antedating the promotion of certain officers, who were beneficiaries of the High Court judgement. The applicants then filed representations which are at Annexure A-2, A3 and A4. These representations have still not been disposed of, by the respondents. Hence this OA has been filed. The learned counsel for the applicant states that he would be satisfied if the respondents are directed to dispose of the representations within a specified time and reserving liberty to agitate the matter again if the grievance occurs subsequently.

3. In the circumstances, issue notice *JK* to the respondents to file counter within

four weeks, with a copy to the other side, who may file rejoinder, if any, within 2 weeks thereafter. Call on 25.4.95 for completion of pleadings."

2. The counter was filed on 28.2.1997 and, therefore, it appears there was delay in posting the case for hearing.

3. The learned counsel for the applicants submitted that applicants would be satisfied if this case is disposed of with a direction as indicated in the ordersheet dated 8.3.1995.

4. In their counter in paragraphs 11 and 12, the respondents have asserted that the decision in a case could not be a cause of action for the relief sought for in this application by the applicants and that the grievance of the applicants in the present O.A. related to a period much before 1.11.1982, i.e., preceding three years prior to the establishment of the Tribunal, meaning thereby that the Tribunal has no jurisdiction to entertain the application.

5. Be that as it may, we are of the view that we can certainly make a direction to the respondents to decide and dispose of the representations (Annexures A-2, A-3 and A-4) of the applicants, which are still pending awaiting disposal. Accordingly, we dispose of these O.A.s by directing the respondents to dispose of the aforesaid representations of the applicants within a period of two months from the date of receipt of a copy of this order. No costs.

Yours

6. After the representations are decided, the applicants shall have liberty to challenge the orders passed on them by the respondents, if they feel aggrieved by the same.

(K. M. Agarwal)
Chairman

(R. K. Ahoja)
Chairman

/as/

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Central

Parliament of India

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