

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 754/1996

New Delhi this the 5th day of May, 1999.

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

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

23

1. Mahanagar Telephone Nigam Limited
Staff Union through its President,
Prabhu Nath Pandey S/O R. N. Pandey,
R/O D-111, Street No.7,
Mahavir Enclave,
New Delhi-110018.
 2. Bhajan Lal S/O Badlu Ram,
General Secretary,
MTNL Staff Union,
R/O 62, Bapu Park,
New Delhi.
 3. C. B. Sharma S/O Amolak Chand Sharma,
R/O 163, Pratap Nagar,
Delhi-110092.
 4. Mahabir Singh S/O Chandra Bali Singh,
R/O J-183, Street No.11,
Kartar Nagar,
Delhi-110053.
 5. Havaladar Singh S/O Ram Bachan Singh,
Organising Secretary,
Central Headquarters,
MTNL Staff Union,
R/O O-225, Vani Vihar,
Uttam Nagar, Delhi.
 6. K. K. Pandey S/O Arvind Pandey,
R/O Qr. No.97, Sector 6,
R. K. Puram,
New Delhi-110022.
 7. Jatan Singh S/O Ram Swaroop,
R/O 304, Village Jorbagh,
Kotla Mubaraqpur,
New Delhi-110003.
 8. D. C. Rana S/O D. S. Rana,
R/O 134, Village Kivikee,
New Delhi-110077.
 9. S. N. Yadav S/O Shobh Nath Yadav,
R/O HPT-40, Sarojini Nagar,
New Delhi-110023.
 10. Hari Om Sharma S/O R. M. Sharma,
R/O Qr. No.105, Sector 6,
R. K. Puram,
New Delhi.
- Applicants

Shri (By Shri D. S. Chaudhary, Advocate)

- Versus -

1. Union of India through
Chairman-cum-Secretary,
Telecommunications Commission,
Department of Telecommunications,
Ministry of Communications,
Sanchar Bhawan,
New Delhi-110001.
2. Chairman-cum-Managing Director,
Mahanagar Telephone Nigam Limited,
Jeevan Bharati Building, Janpath,
New Delhi-110001. ... Respondents

(By Shri A. K. Sikri, Senior Counsel with Shri V. K.
Rao, Advocate)

O R D E R (ORAL)

Shri Justice K. M. Agarwal :

This case was initially listed and also partly heard on 4.5.1999. On the basis of a statement made on behalf of the respondents that options were given to the applicants and similar other employees to express their willingness or otherwise for their absorption with the 2nd respondent, and accordingly, it was submitted that the application had become infructuous. On the basis of this statement for and on behalf of the respondents, we wanted to dispose of this O.A. yesterday but the learned counsel for the applicants pointed out that there was also a further prayer to direct the 2nd respondent to pay equal pay for equal work. Although we did not find any such specific prayer in the prayer clause, we adjourned the hearing of the case till today. Today, the learned counsel for the applicants filed before us an application on behalf of applicant No.1 union for

25

permission to withdraw from the array of applicants as it did not want to pursue the O.A. In paragraph 3 of the application it is also mentioned that it has no objection if the other applicants were allowed to prosecute the present O.A.

2. It is not disputed that applicant No.1 is a union and other applicants are its members and as such they were allowed to pursue this O.A. jointly. In the application for joining together (MA 791/96) also this fact is mentioned. It cannot be disputed that an agreement between a union of employees and the employer is binding on all the members of the union. Similarly any decision taken by the union shall be binding on each member of the union. Under these circumstances, we are of the view that when the union has taken a decision not to pursue the present O.A., the decision must be binding on the other applicants also as members of the applicant union. Accordingly, we allow the aforesaid application filed on behalf of the applicant No.1 union for withdrawing from the present application and in consequence thereof, we dismiss the application in so far as other applicants are concerned, because we are of the view that the aforesaid decision to withdraw from the application taken by the union is also binding on them. Accordingly, this application is hereby dismissed as withdrawn. No costs.

26

3. Let the application filed today before the Bench be registered as an M.A. by the office.

Km

(K. M. Agarwal)
Chairman

R. K. Ahuja

(R. K. Ahuja)
Member (A)

/as/