

Central Administrative Tribunal
Principal Bench

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O.A.No.801/94

New Delhi, this the 15th Day of May, 1995

HON'BLE SHRI J.P. SHARMA, MEMBER (J)

1. Sh. Bhag Singh s/o Shri Nagina Ram,
Q.No. 1048/V, N.H. 4, Faridabad.
2. Sh. Laxman Dass s/o Sh. Jai Narayan Dass
Q.No. 1423/I, N.H.4,
Faridabad.
3. Shri Davinder Singh s/o Sh. Hakikat Singh,
Q.No. 628/I, N.H. 4, Faridabad.
4. Sh. Laxmi Dant s/o Sh. Chander Bhan,
Vill & P.O. Chhainsa,
Teh. Ballabgarh, Distt. Faridabad.
5. Sh. Sushil Kumar s/o Shri Bhawani Dutt,
Q.No. 234/I, N.H.4, Faridabad.
6. Sh. Raja Ram s/o Sh. Balu Ram,
Village and post office Hirapur,
Tehsil Ballabgarh, Faridabad.
7. Sh. Krishan Kumar s/o Balbir Singh,
Village and post office Kehri Kalan,
Faridabad.
8. Shri Sudhir Kumar s/o Sh. Satish Chand,
Q.No. 53/III N.H.4, Faridabad.
9. Shri Sat Parkash s/o Sh. Bhajan Lal,
Village Sadpura, P.O. Tigaon,
Faridabad.
10. Shri Khoob Chand s/o Babu Lal,
H.No. 3739, Kumaharo Ki Gali,
Near Barafkhana,
Delhi.
11. Sh. Khem Chand s/o Sh. Jeevan Lal,
Village and post office Mohana,
Tehsil Ballabgarh,
Faridabad.
12. Shri Chandi Prasad s/o Sh. Bhawani Dutt
254/I, Faridabad.
13. Sh. Yoginder Sharma s/o Sh. Kameshwar Sharma,
1087/V, Faridabad.

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14. Sh. Ram Attar s/o Sh. Bansi Lal,
624, Type-I, N.H.4, Faridabad.

15. Sh. Om Parkash Nagar s/o Sh. Shiv Charan,
Village and post office Neemka,
Teh. Ballabgarh,
Faridabad.

16. Sh. Pradeep Kumar Nagar s/o Sh. Bagwat Singh,
Village and post office Neemka,
Teh. Ballabgarh,
Faridabad.

17. Shri Hari Chand s/o Sh. Chunni Lal,
Village and post office Hirapur, Bgarh.
Distt. Faridabad.

18. Sh. S. K. Meena s/o Bhagra Ram Meena,
Q No. 1376/I, N.H. 4, Faridabad.

19. Sh. Madan Ram s/o Khem Ram,
596/I, N.H. 4, Faridabad.

20. Shri Jas Ram s/o Sh. Jhandu Ram,
Village and post office Baroli,
Faridabad.

21. Sh. R. P. Bhardwaj s/o Ravi Dutt,
Q No. 1426/I, N.H. 4,
Faridabad.

22. Sh. Bhagat Ram s/o Shri Hari Ram,
Village Sadpura, P.O. Tilgaron,
Faridabad.

23. Shri Mahavir s/o Sh. Thawaria,
Q No. 595/I, N.H.4, Faridabad.

24. Shri Kishan Ram s/o Ganga Ram,
Q No. 1096/4, N.H.4, Faridabad.

Applicant

(Shri C. B. Pillai, Advocate)

Versus

Union of India through

1. The Secretary to the Govt. of India,
Department of Agriculture & Cooperation,
Ministry of Agriculture,
New Delhi.

2. The Plant Protection Adviser,
Directorate of Plant Protection,
Quarantine & Storage,
N.H. IV,
Faridabad (Haryana) Pin- 121 001.

Respondents

(By Sh. G. Harishankar proxy for Sh. Madhav
Panikar, Advocate)

Judgement (Oral)

Hon'ble Shri J. P. Sharma, Member (J)

The applicants have jointly filed this application
against the Ministry of Agriculture and the Plant Protection

Advisors (Haryana) aggrieved by the order dated 30/4/1993 which allows certain risk allowances to various categories of posts starting from the post of Joint Director ending with other categories of posts listed in Annexure A-I at page 16 & 17 of the paper book.

The learned counsel for the applicant highlighted the merits of the matter and also argued emphatically that he has a better case for grant of risk allowances at a uniform rate atleast to the extent which is awarded to gazetted officers. Shri C. Harishankar appears for the Madhav Panikar counsel for the respondents and prayed for sometimes to file the reply. However, looking to the order passed by the Single Bench on 31.3.1995 there was an observation that no further time will be allowed for filing the reply, so, the request of Shri C. Harishankar has been turned down.

The learned counsel for the applicant has been taken to the relief prayed for in this application and the reliefs are reproduced below:-

- (i) Quash and set aside the respondents office order no. 25 of 1993 dt. 30.4.1993 (Annexure A.1) and office order no. 225 of 1993 dated 30.4.1993 (Annexure A.2) as not based on any reasonable classification with a national nexus to the object and therefore discriminatory;
- (ii) direct the respondents to grant risk allowance to the applicants at the same rates presently sanctioned to the gazetted officers i.e. at Rs. 150/- per month with effect from the date from which they were initially sanctioned risk allowance and to pay the arrears on this account;
- (iii) direct the respondents to arrange for the periodical medical check up of the applicants to ensure their good health; and
- (iv) grant any other relief/reliefs as considered just and proper;

Though notice has been issued in this application about a year ago but on scrutiny of the application appears to have escaped the notice inasmuch as there are a number of beneficiaries of the impugned order dated 30/4/1993 and none of them has been made party. Secondly, though it is prayed that the order dated 30/4/1993 be quashed but another relief prayed for is that the respondents to grant risk allowances at the rate of Rs. 150/-

per month as has been granted in the impugned order dated 30/4/1993. The learned counsel, therefore, wanted to move a M.A. to remove certain technical defects. I am not inclined to grant any further time. The learned counsel, therefore, wants that the applicant be allowed to withdraw the application with liberty to file a fresh application according to law.

In view of the facts and circumstances mentioned above, without expressing any opinion on the merits of the matter the application is dismissed as withdrawn with liberty to the applicant to assail their rights, if so advised, according to law by filing a fresh application. However, the point of limitation regarding order dated 30/4/1993 will not come in the way of the applicant. Kosten parties.

J. P. Sharma

(J. P. SHARMA)
MEMBER (J)

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