

P.O. 2

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI

REGN. No. OA 913/1987

December 10, 1987.

All India Association Of Accounts
& Audit Officers of A.P. Unit
through its Secretary General
Shri G. Anjaneya Sarma

Vs.

... Applicants

Union of India and Ors

... Respondents

Regn. No. OA 914/87

All India Association of Accounts
& Audit Officers of A.P. Unit,
through its Secretary, Shri
D. Umamaheswar Rao

Vs.

... Applicants

Union of India and Ors

... Respondents

Regn. No. OA 915/87

Shri D. Umamaheswara Rao

Vs.

... Applicant

Union of India and Ors

... Respondents

Regn. No. OA 916/87

Shri S.R.Chandran

Vs.

... Applicant

Union of India and Ors

... Respondents

Regn. No. OA 125/87

All India Association of Accounts
& Audit Officers of M.P. Unit
through its Secretary Shri Om
Prakash Maheshwari

Vs.

... Applicants

Union of India and Ors

... Respondents

Regn. No. OA 358/87

All India Association of Accounts
& Audit Officers of Gujarat Unit
through its Secretary, Shri
M. Rajendran

Vs.

... Applicants

Union of India and Ors

... Respondents

Regn. No. OA 357/87

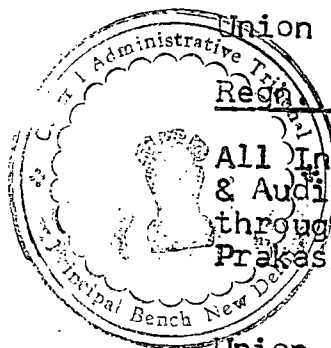
All India Association of Accounts
& Audit Officers of Chandigarh Unit
through its President, Shri B.R.
Mahendru & General Secy, Shri
J.K. Bhatia

Vs.

... Applicants

Union of India and Ors

... Respondents



Regn. No. OA 912/1987

Shri R. Raman and Ors ... Applicants

Vs.

Union of India and Ors ... Respondents

Regn. No. OA 360/1987

All India Association of Accounts and Audit Officers & Ors through its President, Shri N. Appadorai (Karnataka Unit) ... Applicants

Vs.

The Comptroller & Auditor General of India and Ors ... Respondents

Regn. No. OA 658/1987

Shri S.R. Gupta & Ors ... Applicants
(In person)

Vs.

Union of India and Ors ... Respondents

CORAM:

Hon'ble Mr. Justice K. Madhava Reddy, Chairman
Hon'ble Mr. Kaushal Kumar, Member

For the applicants ... Shri E.X. Joseph, counsel
Shri S.M.N. Rizvi, counsel
For the respondents ... Shri M.L. Verma, counsel

(Judgment of the Bench delivered by
Hon'ble Mr. Justice K. Madhava Reddy, Chairman)

In this batch of applications under Section 19

of the Administrative Tribunals Act, 1985, the arguments

of both the parties were heard at length. However, it is

brought to our notice that a representation was submitted

by the All India Association of Accounts and Audit

Officers to the then Minister of Finance and that the

Minister had desired to discuss the matter. From the

U.O. No. C-18018/5/87-EG.I of the Ministry of Finance, (DE)

dated 24.9.1987 addressed to the Office of the

Controller and Auditor General, it would appear that

while the matter was under examination, the Audit Officers filed these applications before the Central Administrative Tribunal. As the matter had thus become sub judice, the

representation was not further examined and a decision taken by the respondents on its own merits. In fact,

sub-section (4) of Section 19 of the Act declares that where

an application under Section 19 has been admitted by a

Tribunal under sub-section (3), every proceeding under

the relevant service rules as to redressal of grievances

in relation to the subject matter of such application,

pending immediately before such admission, stands abated.

Obviously, having regard to this statutory provision, the

respondents did not further proceed to consider the

representation. The Tribunal has, however, powers under

that the said sub-section to direct a representation in relation

to the matter, be entertained and considered. Having regard

to the several questions raised in these applications,

we think it appropriate that the respondents do consider the

representation on its own merits and pass such orders as they

may deem fit. As the respondents themselves were considering

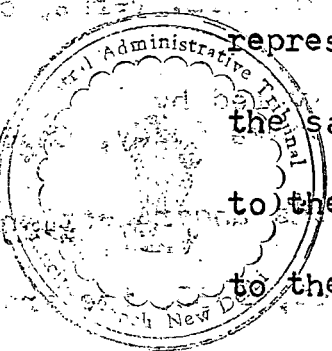
the representation of the applicants Association when this

application was filed and only the pendency of this application

operated as a bar to the further consideration, we deem

it expedient to remove that bar by disposing off these

applications with a direction to the respondents to consider



the representation of the applicants and if they deem necessary, receive further representation or clarification from the applicants and their Association and dispose of their claim within a period of 4 months from the date of the receipt of this order.

In view of the above directions, we do not think it appropriate to enter into the merits of the applicants' claim. If the applicants are aggrieved by any order made by the respondents in pursuance of these directions after considering the applicants' representation, nothing said herein will preclude the applicants from calling in question the said order of the respondents. These applications are disposed of accordingly. There will be no order as to costs.

In view of the above directions, we also think it appropriate that the recoveries ordered from the applicants should remain stayed pending the disposal of the representation by the respondents and for a period of two months thereafter.

Ordered accordingly.

(Kaushal Kumar)
Member
10.12.1987

(K. Madhava Reddy)
Chairman
10.12.1987

