CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI

(3)

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 ... Applicants

Vs.

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. Umamaheswara Rao ... Applicants

Vs.

Union of India and Ors ... Respondents

Regn. No. OA 915/87

Shri D. Umamaheswara Rao ... Applicant

Vs.

Union of India and Ors ... Respondents

Regn. No.OA 916/87

Shri S.R.Chandran ... Applicant

Vs.

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 ... Applicants

Vs.

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 ... Applicants

Vs.

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 ... Applicants

Vs.

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, councel

(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 Comtroller 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 the said sub-section to direct that 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

ATTESTED TRUE COPY
Dated.....
ANIL SRIVASTAVA
Section Officer
Central Administrative Tribunal
Principal Bench, Faridkot House
New Delhi