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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

R.A. NO.85/2006
in
O.A. NO.972/2004

This the 9th day of June, 2006

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)
HON'BLE SHRI MUKESH KUMAR GUPTA, MEMBER (J)

Vrigu Bhattacharjee

... Applicant

versus

Union of India & Others

... Respondents

ORDER (IN CIRCULATION)

Hon'ble Shri V. K. Majotra, Vice-Chairman (A)

OA No.972/2004 was allowed vide order dated 3.5.2006 with the following direction to respondents:

"7. Accordingly, OA is allowed and respondents are directed to grant to the applicant the pay scale of Rs.1150-1500 w.e.f. 1.1.1986 or the date of her appointment as DEO Grade 'A' whichever is later along with arrears of pay and allowances for the said period on account of fixation in the said higher pay scale. Respondents are also directed to implement these directions within a period of two months from the date of receipt of a copy of these orders. No order as to costs."

2. By virtue of the present application, review of the aforesaid orders has been sought by applicant No.1 in the OA. It has been stated in this application that applicant No.1, Shri Vrigu Bhattacharjee, had filed the OA as secretary general of All India Civil Accounts Employees Association and represented Data Entry Operators Grade 'A' in the office of Controller General of Accounts, and not as an individual employee. It is further stated that it is not necessary that a resolution of the association should authorize the chief executive of the association to file an application as the association is always represented

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through its secretary general. As such although OA was allowed in favour of applicant No.2, Tribunal ought not have held that applicant No.1 could not join with applicant No.2 in the OA and as such the OA was being considered only for relief sought in respect of applicant No.2.

3. We have considered the review application and also perused Tribunal's order dated 3.5.2006 carefully. The description of applicant No.1 in the cause title of the OA reads as, "Vrigu Bhattacharjee S/o Bishnu Pada Bhattacharjee, R/o 1042, Old Rajinder Nagar, New Delhi-60 & Secretary General of All India Civil Accounts Employees Asociation, New Delhi." The cause title does not show that OA has been filed by the association as a party.

4. Rule 4 of the Central Administrative Tribunal (Procedure) Rules, 1987 reads as follows:

"4. Procedure for filing applications – (1) An application to the Tribunal shall be presented in Form I by the applicant in person or by an agent or by a duly authorized legal practitioner to the Registrar or any other officer authorized in writing by the Registrar to receive the same or be sent by Registered Post with Acknowledgement duly addressed to the registrar of the Bench concerned.

(2) The application under sub-rule (1) shall be presented in triplicate in the following two compilations-

- (i) Compilation No. 1. - application along with the impugned order, if any ;
- (ii) Compilation No. 2. - all other documents and annexures referred to in the application in a paper book form.

(3) Where the number of respondents is more than one, as many extra copies of the application in paper-book form as there are respondents together with unused file size envelope bearing the full address of each respondent shall be furnished by the applicant :

Provided that where the number of respondents is more than five, the Registrar may permit the applicant to file the extra copies of the application at the time of issue of notice to the respondents.



(4) The applicant may attach to and present with his application a receipt slip in Form II which shall be signed by the Registrar or the officer receiving the application on behalf of the Registrar in acknowledgement of the receipt of the application.

(5) (a) Notwithstanding anything contained in sub-rules (1) to (3) the Tribunal may permit more than one person to join together and file a single application if it is satisfied, having regard to the cause and the nature of relief prayed for that they have a common interest in the matter.

(b) Such permission may also be granted to an Association representing the persons desirous of joining in a single application provided, however, that the application shall disclose the class/grade/categories or persons on whose behalf it has been filed [provided that at least one affected person joins such an application].”

Provisions contained in sub-rule (5)(a) and (b) are relevant for our purpose here to ascertain whether applicant No.1 had common interest in the matter and whether permission ought to have been granted to him under sub-rule (5)(b) *ibid*. Applicant No.1 had not enclosed with the OA any resolution of the association nor is there any specific averment in the OA that he was filing the OA in his capacity as an office bearer of the association. Clearly, the cause title in the absence of any specific averment in the OA established that applicant No.1 was filing the OA in his individual capacity along with another individual. No authorization in favour of applicant No.1 by any resolution of the related association had been filed with the OA. The OA also did not reveal class/grade/categories of persons on whose behalf the OA ^{was} being filed by applicant No.1. All relevant factors to ascertain entitlement of applicant No.1 to file the OA in combination with an individual have been discussed in our order dated 3.5.3006. The above legal provisions also establish that even the cause title does not describe applicant No.1 as filing the OA on behalf of the association. Though applicant had stated himself to be the secretary general of the association, it does not mean that the OA had been filed by applicant No.1 on behalf of the association. It is an established practice that a resolution of the association in this behalf should always accompany the OA. Such a resolution had not been filed on

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behalf of the association. Applicant had not been able to furnish satisfactory explanation to objection raised on behalf of respondents regarding applicant's eligibility to join in the OA as a representative of the association.

5. No error apparent on record as also law has been pointed out by applicant in the review application. The contentions in the review application have been made simply for the heck of it and without any substance. Such an application does not fall within the ambit and scope of review. As such, this application is dismissed in circulation.

(Mukesh Kumar Gupta)
Member (J)

/as/

(V. K. Majotra)
Vice-Chairman (A)

9.6.06.