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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1396/93

New Delhi this the 10th of June 1994
Hon'ble Shri J.P. Sharma, Member (J)
Hon'ble Shri B.K. Singh, Member (A)

Shri Moti Ram,
Son of Shri Pyarelal,
Resident of 10/137 Subzi Mandi,
Behind Masjid,
Agra.

... Applicant

By Advocate Shri J.P. Verghese

Vs.

1. Union of India,
through its Secretary,
Ministry of Human Resources,
and Development,
Shastri Bhawan,
New Delhi.
2. Director General,
Archaeological Survey of India,
Janpath,
New Delhi.
3. Superintendent Horticulturist,
Safdarjung Tomb,
New Delhi.

... Respondents

ORDER

Hon'ble Mr. J.P. Sharma, Member J.

Earlier the applicant Moti Ram alongwith 12 others filed the application under Section 19 for a number of reliefs. When the matter came up on 20.7.1993, the applicant's counsel took permission to file an MP for condonation of Delay. The OA was dismissed in default for non prosecution on 30.8.1993 and subsequently this order was withdrawn on the same day and the matter was ordered to be listed on 3.9.1993. After some adjustment the matter came up on 30.9.1993 and the applicant's counsel sought permission to amend O.A. M.A. No. 3393/93 was filed on 5.11.1993 seeking permission to file the amended O.A. This M.A. was

allowed by the order 7.2.1994. However, when the matter was heard on 16.2.1994 none appeared for the applicant and M.A. 437/94 which was also sought for seeking certain more amendments was also dismissed for non-prosecution. However, this O.A. was restored on 24.3.1994 and the amendment sought in MA 437/94 was allowed. The applicant did not file the amended O.A. and it was filed on 12.5.1994.

2. We heard the learned counsel on this amended O.A. The amended O.A. has been filed on behalf of one Moti Ram contending that he is filing the OA of his own on behalf and in a representative capacity and on behalf of others. similarly placed and aggrieved persons who have been employed under the respondents under DG, Archaeological Survey of India and working under the Superintendent Horticulturist, Safdarjung Tomb, New Delhi. The relief in this amended O.A are as follows:

1. Direct the respondents to regularise the applicants forthwith, with all consequential benefits.
2. Direct the respondents to pay the applicant on the basis of equal pay for equal work.
3. Direct the respondents to give regular appointments to the applicants with effect from the date on which they were first employed alongwith all consequential benefits.
4. Restrain the respondents from terminating the services of the applicants and appointing others who are juniors to the applicants.
5. Direct the respondents to take back those applicants who have been terminated by the respondents.
6. Direct the respondents to give appointment to those applicants who are selected and have already fulfilled the requirements for appointment and have been denied appointment by the respondents.

7. Direct the respondents to employ the applicants instead of taking outsiders

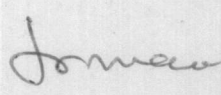
3. It is surprising that Moti Ram, the applicant, is filing the application in the representative capacity and he has also in this application prayed for the grant of the reliefs to one Shri Chand, Nihal Singh, Vijaya Kumar, Munna Khan, Sita Ram, Kali Charan, Puran Chand, Gajender Singh, Sahukar, Bhagwati Prasad, Ravi Shankar Hanuji Bhai and Munge Ram and their names mentioned in Annexure I of unamended application at Page 26. Details of the above mentioned persons are given in Annexure I to unamended O.A. Shri Sitaram, Sahukar, Gajinder Singh and Vijaya Kumar has been shown working as Beldar with the respondents while Ravi Shankar and Hanuji Bhai has not been shown in any discipline and the other persons are shown working as Mason. In the last column there are certain blank and there is some date mentioned against that and it does not make out any understandable reading. The grievance projected by Moti Ram in this application and that of other persons named in Annexure I that the respondents have illegally attempted to terminate the services and that juniors have been employed. Firstly, the application is not maintainable in the form it has been placed as amended O.A. The grievance of each applicant is separate and all of them have to join the application or to file separate application. The learned counsel for the applicant at some length discussed the matter. We desired that the applicant should bring the application according to the provisions of Administrative Tribunal Procedure Rules 1987. However, the learned counsel for the applicant finally closes his arguments and the case is reserved for orders. Firstly, we find that even considering the case of Moti Ram in Column 3 it is said that

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the application is in time. But how it is within time is not being mentioned in para 4.6 of the amended O.A. It is mentioned that the services of the applicant Shri Moti Ram were illegally attempted to be terminated very recently and refusing to employ him. No specific date of the order has been mentioned. In Annexure I of the unamended O.A. even the name of Moti Ram who is applicant in the amended O.A. has not been mentioned. In para 4.5 it is stated that applicant Moti Ram was employed with the respondents at Agra since 1986 in the amended O.A. no Annexure has been filed to substantiate this act. M.P. 2398/93 was modified by the applicants in unamended O.A. to condone the delay caused in filing the application. While no such application has been moved for condoning the delay for the amended O.A. while it is amended in the amended OA that the application is within time.

4. We, therefore, find that the present application is not maintainable because Moti Ram has no authority to file in representative capacity and that the date when Shri Moti Ram has been terminated from service has not been mentioned, and also ⁱⁿ the unamended O.A. ~~pro~~ for condonation of delay was moved and the same has not been done in the amended O.A. The application is, therefore, defective and is not maintainable as such the same is dismissed.


 (B.K. Singh)
 Member(A)


 (J.P. Sharma)
 Member(J)