

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.2190/1993

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NEW DELHI, THIS THE 26th DAY OF AUGUST, 1997.

HON'BLE MR.JUSTICE K.M.AGARWAL, CHAIRMAN
HON'BLE MR.S.P.BISWAS, MEMBER(A)

1. All India Census Electronic Data Processing Staff Federation through its Joint Secretary Office of the Registrar General, India D.P.Division, E, Wing, IIInd Floor, Pushpa Bhawan, Madangir Road, New Delhi.
2. All India Census Electronic Data Processing Staff Federation through its Secretary General, Shri Sanjay Kumar Mishra, Camp. H.Q.o/o DCO, Bihar Bihar State Co-op Bank Building Ashok Rajpath, Patna-800 004.Applicant

(BY ADVOCATE SHRI A.SHARAN WITH MS.M.SARAN
AND SHRI AMBIKA PRATAP SINGH, ADVOCATES)

vs.

1. The Secretary, Ministry of Home Affairs Government of India, North Block, New Delhi.
2. The Secretary, Ministry of Finance, Government of India, New Delhi.
3. Registrar General, India Kotah House Annexe, 2/A, Mansingh Road, New Delhi-110001.Respondents

(BY ADVOCATE SHRI N.S.MEHTA)

ORDER

JUSTICE K.M.AGARWAL:

The All India Census Electronic Data Processing Staff Federation has been shown as applicant Nos.1 & 2 but the first applicant is shown through its Joint Secretary, Office of the Registrar General, India D.P.Division, New Delhi

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whereas the applicant No.2 is shown through Secretary General, Shri Sanjay Kumar Mishra, Bihar State Co-op Bank Building, Ashok Rajpath, Patna. The relief claimed is for directing the respondents to extend the revised pay scale of Rs.1350-2200 with effect from 1.1.1986, instead of 11.9.1989 in regard to the applicant or applicants and other similarly situated staff at par with the employees situated in the department of Railways.

2. Though the All India Census Electronic Data Processing Staff Federation appears to be one entity, it has been shown as two applicants in the cause title of the OA, perhaps with a view to cover the employees in the office of the Registrar General, India D.P.Division, New Delhi and the staff of Bihar Srtate Co-operative Bank, Patna. It shall, therefore, be described as applicant instead of describing as applicants. It is described as Union of Data Entry Operators working in the office of the Registrar General, India, in the offices situated in various places including those at New Delhi and Patna. The application is said to be in the representative capacity for all the members of the federation named in Annexure-I.

3. The learned counsel for the applicant submitted that similar applications filed in Cuttack, Hyderabad and Lucknow Benches of this Tribunal were allowed and accordingly the members of the applicant association are also entitled to the similar benefits in the present application. The details of various applications decided by Cuttack,

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Hyderabad and Lucknow Benches are as follows:

1. Minaketan Mishra and ors
Vs. Union of India, OA
249/91, decided on 6.4.1992
(Cuttack Bench);

2. Y. Jaganmohan Reddy & ors.
Vs. The Secretary, Ministry
of Home Affairs, New
Delhi, OA No. 957/90,
decided on 9.7.1992
(Hyderabad Bench); and

3. Shivanand Pathak &
ors. Vs. Union of India &
ors., OA No. 359/91,
decided on 10.12.1992
(Lucknow Bench)

On being questioned, the learned counsel for the applicant conceded that the present OA was filed after the decisions rendered by Calcutta, Hyderabad and Lucknow Benches of the Tribunal for similar reliefs. On the question of limitation, the learned counsel could not give any plausible explanation but submitted that reliefs similar to those claimed in the present OA of 1993 were granted by the Principal Bench of the Tribunal in OA No. 665/96, decided on 14.8.1996 between Balbir Singh and ors. Vs. Union of India. As nothing was said about limitation in OA No. 665/96, we were inclined to refer the matter to a Larger Bench to decide if in such cases benefit of judgements in personam given in other cases could be given overlooking the period of limitation. In other words, if an applicant remains inactive for years together and suddenly wakes up and takes up his grievance on the basis of decisions in other cases after the expiry of the period of limitation from the date of accrual of cause of action, whether he can get any relief from the Tribunal. However, the learned counsel for the

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respondents objected the reference of the case to a Larger Bench on the ground that the application as framed is not maintainable. The learned counsel submitted that this application has not been filed by any person or individual but by a Union. As provided in Rule 4(5)(b) of the Central Administrative Tribunal (Procedure) Rules, 1987, (in short, 'the CAT Procedure Rules') such application by an association or Union is not maintainable unless permission in that regard is given by the Tribunal and at least one ^{person} affected joins such an application. In the present case, no affected person has been joined as an applicant.

4. We find substance in the contention. The learned counsel for the applicant could only say that the Union was represented through its Joint Secretary and Secretary General. At least the name of Secretary General is mentioned at Sl.No.2 of the applicant's description in the cause title. Moreover, it was filed for and on behalf of the members of the Union some of whom were shown in Annexure-I. However, there is no allegation in the application that the members mentioned in Annexure-I are affected persons. Further, at least one of the members affected ought to have joined as an applicant in this OA. Rule 4(5) of the CAT Procedure Rules reads as follows:

"4(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 of action 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 of persons, on whose behalf it has been filed provided that at least one affected person joins such an application."

Clause (b) of sub-rule(5) of Rule 4 of the CAT Procedure Rules specifically says that the Tribunal may permit an association representing the persons desirous of joining in a single application provided, however, that the application shall disclose the class/ grade/categories of persons on whose behalf it has been filed, provided that at least one affected person joins such an application. It clearly means that an association cannot maintain an application on its own behalf. It may apply to be joined as applicant in any application filed by at least one affected person. Further, the association is also required to disclose the class/grade/categories of persons on whose behalf it wants the application to be filed. We, therefore, find this application to be not in order. It is in violation of Rule 4(5) of the CAT Procedure Rules and, therefore, it deserves to be dismissed.

5. In the result, this application fails and it is hereby accordingly dismissed as not maintainable because it has been filed by a Union and not by any individual or jointly by a person and an association of persons. No costs.

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(K.M.AGARWAL)

CHAIRMAN

S.P.BISWAS
(S.P.BISWAS)
MEMBER(A)