

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 5TH DAY OF NOVEMBER, 2001

Diary No.4562 of 2001 (O A . 1330/01)

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.C.S.CHADHA, MEMBER(A)

1. Anis Ahmad Nizami
S/o Late Shri Khwaja Ahmad
2. Suraj Bali, s/o Shri Kanhai
3. Alopi, S/o Late Shri Bhika
Ram.
4. Babu Lal, S/o Late
Shri Ram Jivan
5. Juggi Lal son of
Shri Pyare Lal
6. Jagdish Prasad,
S/o Late Shri Mool Shanker
7. Arun Prakash Srivastava
S/o Late Shri D.P.Srivastava
8. Jagdish Prasad, S/o Late
Shri Ram Lal
9. Satvant Singh, S/o
Shri Mahendra Singh
10. Gopinath Sinha, Son of
Late Shri B.K.Sinha
11. Sarfaraz Hussain, Son of
Late Shri Hamid Hussain
12. Pyare Lal, son of Late
Shri Chhote Lal
- 13.1 Ramji Srivastavas, son of
Late Shri Mister Singh Srivastava
14. Shanker Lal, son of
Shri Ram
15. Jagdish Prasad, son of
Late Shri Kaloo
16. Touqir Hussain, son of
Late Shri Sayed Hussain.
17. Chandrika Prasad son of
Late Shri Bhola

...Applicants

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(BY Adv: Shri Atul Kumar)

Versus

1. Union of India through its Secretary, Ministry of Defence, New Delhi.
2. General Manager Ordnance Equipment Factory, Kanpur.
3. Additional General Manager/A.S. Ordnance Equipment Factory Kanpur.
4. Works Manager/Admn Ordnance Factory Kanpur.

.... Respondents

(By Adv: Shri R.C.Joshi)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI, v.c.

We have heard Shri Atul Kumar counsel for the applicant and Shri R.C.Joshi learned counsel appearing for the respondents.

M.A.4480/01 is for permission to join in one application. As the cause of action and relief sought ~~are~~ similar to all the applicants, permission to join in one application is granted. Office to register the case.

We have considered the application on merits. ~~M.A.4480/01~~ has been filed against the order dated 26.6.2001 by which the applicants have been held not entitled for a particular grade and it ~~has been said~~ that the benefit was wrongly given to them and realisation of the amount has been directed, ~~for the~~ relating to the last several years. Against this order applicants have statutory remedy of appeal under Rule 23 of CCS(CCA) Rules 1965. As the applicants have alternative remedy, this OA is not legally maintainable at this stage. The



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counsel for the applicant then submitted that if the appeal is filed now question of limitation will come in the way of the applicant. Considering this aspect and after hearing Shri R.C.Joshii counsel for the respondents, we direct that in case appeal is filed within three weeks it shall be considered and decided on merit treating the same to have been filed within time.

The OA is accordingly dismissed as not maintainable. No order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: 05.11.2001

Uv/