

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 5TH DAY OF NOVEMBER, 2001

Diary No.4563 of 2001 (O A.1331/01)

CORAM:

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

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

1. P.K.Chatterjee, S/o late
Shri K.K.Chatterjee
2. Vishnu Kumar, s/o Shri Munshi Lal
3. Santosh Kumar, S/o Shri Shripat Lal
4. Mahabir Prasad, S/o late
Shri Kashi Ram
5. Manoj Kumar Srivastava, S/o
Shri M.M.Srivastava
6. Ashutosh Tripathi, S/o
Shri Kailash Chand Tripathi
7. Toufiq Ahmad, S/o Late
Shri Ali Ahmad
8. Babu Gupta, S/o late
Shri Ramadheen Gupta
9. Vinay Prakash Srivastava,
S/o Late Shri G.S.Lal
10. Abdul Haleem, Son of
Late Shri Abdul Kareem
11. Mahendra Nath Pandey,
S/o Shri Ram Babu Pandey
12. Bindeshwari Prasad Pathak
S/o Shri Govardhan Pathak
13. Banne Khan, S/o late
Shri Nanhe Khan
14. Sanjay Kumar, Son of
Shri Y. Shukla
15. Ayodhya Prasad, Son of
Shri P. B. Lal
16. Avendra Kumar, son of
Shri Ramswaroop
17. Was Haidar, Son of
Shri Tashadduq Hussain
18. Aftab Alam, son of
Late Shri Habib Ahmad

19. Nasarat Ali, son of
Shri Qudrat Ali.

... Applicants

(By Adv: Shri Atul Kumar)

Versus

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

Atul Kumar
... 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 for the respondents.

M.A.4479/01 is for permission to join in one application. As the cause of action and relief sought is 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. This application has been filed against the order dated 26.6.2001 by which applicants have been held not entitled for a particular grade and it has been said that the benefit is wrongly given to them and realisation of the amount has been directed, ~~relating to~~ for the last several years against this order applicants have statutory remedy of appeal under Rule 23 of CCS(CCA) Rules 1965.

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As the applicants have alternative remedy, this OA is not legally maintainable at this stage. The counsel for the applicant then submitted that if the appeal is filed now question of limitation will come in the way of the applicants. Considering this aspect and after hearing Shri R.C.Joshi counsel for the respondents, we direct that in case appeal is filed within three weeks it shall be considered and decided on merits 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

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