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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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Registration O.A. No. 284 of 1988

Dated : 08.11.1994

Hon. Mr. Justice B.C. Saksena, V.C.
Hon. Mr. S. Das Gupta, Member (A)

1. Ajit Kumar Roy aged about 49 years, son of Bhupendra Kumar Roy, UDC, Middle Ganga Circle, Central Water Commission, B 38/1, P.O. Mahmoorganj, Varanasi.
2. Shri Jyoti Kumar aged about 38 years, son of late Shri Krishna Chandra UDC, Middle Ganga Circle, Central Water Commiss, B 38/1 P.O. Mahmoorganj, Varanasi.
3. Sri Dhirendra Bahadur Singh, aged about 39 years, son of late Ram Badal Singh, LDC, MiddleGanga Dn. No. III, Central Water Commission,3 Teliabagh, Varanasi.
4. Shri Kamlesh Prasad Pandey, aged about 27 years son of Shri Kashi Prasad Pandey, L.D.C. Middle Ganga Circle, Central Water Commissioner, B 38/1, Mahmoorganj, Varansi.
5. Shri Bichari Prasad son of late Sri Bir Bahadur, Senior Mechanic(On work charged Estt) Middle Ganga Dn. No. III, Central Water Commissioner, 3 Teliabagh, Varanasi. Applicants.

(By Advocate Sri A.V. Srivastava)

VERSUS

1. Union of India, through the Secretary Government of India, Ministry of Water Resources, Sharam Shakti Bhawan, New

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Bach

Delhi-1.

2. The Chairman, Central Water Commission,
Sewa Bhawan, R.K. Puram, New
Delhi-66.

(By Advocate Sri Amit Sthaleker)

O R D E R

(By Hon. Mr. Justice B.C. Saksena, V.C.)

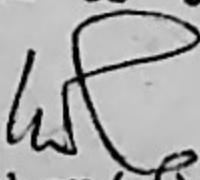
Sri A.V. Srivastava, learned counsel for the applicant has stated before us that he has received no further instructions despite several registered letters intimating the applicants the need for filing Rejoinder Affidavit. Rejoinder Affidavit, therefore, could not be filed. From a perusal of the O.A. we find that the applicants have claimed that a suitable order or direction be issued to the Opp. Parties to enforce merger in respect of Ministerial and Work charged staff of G.B.W.R.O. ^{merger} ~~borne out~~ of the C.W.C./C.E.A., As such, the relief clearly involves a policy decision. The respondents are not taking any policy decision for the merger of ^{the} ~~two~~ Ministerial ^{two} cadres ~~of~~ ^{the} organisations. The record also discloses that merger of the technical cadre was made by the Respondents. It was challenged through a writ petition before the Delhi High Court. The writ petition was allowed by the learned Single Judge, but in special appeal filed against the said judgment, the operation of the order passed by the learned Single Judge was stayed. The subsequent facts are not on record but it appears that the respondents have not taken any policy decision for merger of the Ministerial Cadre of the two organisations because of the pendency of the special appeal. May be after the Central Administrative

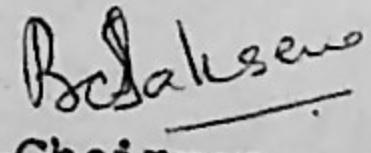
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Tribunal came into existence, the said special appeal may have been transferred to the Principal Bench of the Central Administrative Tribunal but those facts are neither very material nor relevant. The fact remains that the relief prayed for involves the policy decision @ which is not within the competence of the Central Administrative Tribunal. The O.A. accordingly deserves to be dismissed and is hereby dismissed. We ~~are~~, however, make~~s~~ it clear that ~~anything~~ ^{nothing} in this order will stand in the way of the parties in the event of the respondents at any future times taking a policy decision in respect of the merger of the Ministerial Cadres in question.


Member (A)


Vice-Chairman

(n.u.)