

Reversion (Mr)
Juel /

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 255 OF 1987.
~~To Annex~~

DATE OF DECISION 9-8-1991.

Harsukhbhai Pujabhai Gohil & Ors. Petitioner(s).

Mr. A.J. Shah,

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondents

Mr. M.R. Raval for Mr. P.M. Raval, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh, Administrative Member.

The Hon'ble Mr. R.C. Bhatt, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Ys*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

1. Harsukhbhai Pujabhai Gohil,
2. Bhatt Jagdish Harilal
3. Kasam Mahmad Darjada,
4. Jaysukhlal Trikamlal Andani
5. Bipin Raghavji Rathod
6. Solanki Ramji Naran
7. Parmar Pravinchandra Girdharlal
8. Ramesh Chakubhai Kamadia,
All C/o. H.P. Gohil
Near Ashok Hotel, Sankar Takri,
Gandhinagar, Bili Mandir,
Jamnagar - 361 005.

.... Applicants.

(Advocate: Mr. A.J. Shah)

Versus.

1. Union of India
(Notice may be served through -
The Secretary, Ministry of Defence,
Army Headquarters, Sarankshan
Mantralaya, New Delhi).

2. Engineer-in-Chief
Army Headquarters, D.H.Q.P.O.
New Delhi 110 011.

3. Commander Works Engineer (P)
Ranjit Sagar Road,
Jamnagar 361 005.

4. Garrison Engineer, Army,
Ranjit Sagar Road,
Jamnagar 361 005.

5. Garrison Engineer, Navy,
INS Valsura,
Jamnagar 361 150.

.... Respondents

(Advocate: Mr. M.R. Raval for
Mr. P.M. Raval)

JUDGMENT

O.A. No. 255 OF 1987

Date: 9-8-1991.

Per: Hon'ble Mr. M.M. Singh, Administrative Member.

The above application filed by the eight applicants mainly seeks reliefs of declaration that order Nos. 15 & 17 passed respectively by Garrison Engineer, Army, Ranjit Sagar Road, Jamnagar and Garrison Engineer, Navy, INS Valsura, Jamnagar are illegal and to set these orders aside. Direction is also sought to the respondents to not revert and/or

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"degrade" (SIC) the applicants from the post of Motor Pump Attendants (MPA for short) to the post of Mate (MPA). Direction to respondents is also sought to continue to give the applicants yearly increment allowance and other benefits including future promotions. The applicants have also sought direction to respondents to pay the applicant salary without affecting any recovery and to set aside order dated 8.5.1987 with regard to recovery. Direction is also sought to respondents to not to take trade test for the post of MPAs as the applicants have once passed examination as per the rules and had been promoted to the post of MPAs. Declaration is also sought that the applicants are entitled to have the benefits of emoluments as a skilled category.

2. The application shows that applicant Nos. 1 to 6 are working under Garrison Engineer, Navy in Navy MES and 7 to 8 under Garrison Engineer, Army in Army MES. Thus the applicants belong to two different department though the departments are under the same Ministry, namely Ministry of Defence. Nevertheless they have filed their joint application. No application for permission to file joint application has been filed.

3. As counsel for both parties had submitted that the above Original Application should be listed for final hearing with O.A. 254/87, the O.A. was heard alongwith O.A. 254/87.

4. The two O.As were not disposed of by a common judgment as should be usual in such cases as the same would have resulted in a great deal of confusion with the applicants herein serving under two different

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departments and the material respondents also from two different departments and the title of the judgment therefore required to be different. We also noticed difference in the two reliefs also as the impugned orders are of different dates and issued by different authorities. However, on facts, pleadings and submissions of the rival counsel and considering the material in record, our judgment in O.A. 254/87 dated 29.7.1991 fully covers this O.A. We therefore embody the judgment dated 29.7.91 in O.A. 254/87 in this judgment by annexing it to this judgment.

5. In view of the analysis and conclusions in our judgment in O.A. 254/87, the application herein has to be held as having no merits and has to be dismissed and the rule vacated forthwith. We hereby do so.

6. For reasons recorded in para 13 of our decision in O.A. 254/87 dated 29.7.91 which we find applicable to the application herein also, we direct Respondent No. 4, Garrison Engineer, Army, Ranjit Sagar Road, Jamnagar to pay Rs.100/- (Rupees One hundred only) to each of the applicants No. 7 and 8 and Respondent No. 5, Garrison Engineer, Navy, INS Valsura, to pay Rs.100/- (Rupees one hundred only) to each of the applicants No. 1 to 6 towards the cost of this suit within thirty days of their receiving a copy of this order.

R.C.B.

(R.C.Bhatt)
Judicial Member

M. M. S.
9/8/91

(M.M.Singh)
Admn. Member