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CAT/J/13

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. NO. 5 OF 1989

~~Ex. NO.~~

DATE OF DECISION 3.2.1995.

Shri R.K. Joshi & Ors. **Petitioner s**

Mr. Shailesh Brahmbhatt, **Advocate for the Petitioner (s)**

Versus

Union of India & Ors. **Respondent s**

Mr. Akil Kureshi, **Advocate for the Respondent (s)**

CORAM

The Hon'ble Mr. N.B. Patel, Vice Chairman.

The Hon'ble Mr. K. Ramamoorthy, Admn. Member.

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

No

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1. Shri R.K. Joshi
2. Shri B.J. Modi
3. Shri M.S. Bhatt
4. Census Employees Association
Gujarat, (Through its General
Secretary Shri K.K. Patel,
Directorate of Census Operation,
Kerawala Building,
Opp: V.S. Hospital,
Ellisbridge, Ahmedabad.

..... Applicants.

(Advocate: Mr. Shailesh Brahmbhatt)

Versus.

1. Union of India,
(Notice to be served through
the Secretary, Ministry of
Home, New Delhi).
2. The Secretary,
Ministry of Finance,
New Delhi.
3. The Registrar General, India,
Kota House Annexe,
2A, Mansingh Road,
New Delhi.
4. Deputy Director of Census,
Operation, Gujarat,
Kerawala Building,
Opp: V.S. Hospital,
Ellisbridge, Ahmedabad.

..... Respondents.

(Advocate: Mr. Akil Kureshi)

ORAL ORDER

O.A.No. 5 OF 1989

Date: 3.2.1995.

Per: Hon'ble Mr. N.B. Patel, Vice Chairman.

The applicants' learned advocate Mr. Brahmbhatt states that the Government of India (Ministry of Finance) has issued orders No. 13(1)-IC/91 dated October 19, 1994. He tenders a copy of this order which may be kept on record. On reading this order, we are of the opinion

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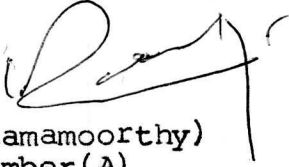
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
that it redresses the grievances of the applicants largely, if not wholly. Mr. Bhrambhhatt states that, in any event, the grievance of the applicants that there ~~should be~~ ^{no} conditions of minimum service (experience) for placement in the revised pay-scale ^{Still remains} as such a condition was not there in the order dated March 13, 1984 under which Draftsman of the other Departments were granted benefit of revised pay-scale. Since, however, the order dated October 19, 1994 largely redresses the grievance of the applicants, we find that the O.A now does not survive. If the applicants have any grievances in the matter of the condition regarding experience (minimum period of service) for placement in the revised pay-scale, they may make representations to the concerned authorities in that behalf. In view of the development which has taken place during the pendency of this O.A as mentioned above, Mr. Brahmbhatt states that the applicants will be satisfied, if necessary directions/observations are made regarding implementation of the order dated October 19, 1994 within a fixed time-limit and if it is kept open to the applicants to have recourse of such remedy, as may be available to them under ~~the~~ law, in respect of their remaining grievance regarding experience or length of service for placement in the revised pay-scale, Mr. Kureshi states that if such leave is to be granted to the applicants, it should be kept open to the Department also ^{to} urged against any possible steps, that may be taken by the applicants, that the Tribunal cannot go

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behind Arbitrator's award. Permission to withdraw granted with liberty to the applicants and the respondents as stated above. The respondents are directed to implement the orders dated October 19, 1994 qua the applicants as early as possible and preferably, within six months from the date of the receipt of a copy of this order. O.A stands disposed of accordingly. No order as to costs.


(K. Ramamoorthy)
Member (A)


(N.B. Patel)
Vice Chairman

etc.