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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No.
~~F.A. No.~~

170 OF 1990.

DATE OF DECISION 25th Feb. 1993.

Dr. P.C. Gokhland

Petitioner

Shri K.K. Shah

Advocate for the Petitioner(s)

Versus

Union of India and Ors.

Respondent

Shri Akil Kureshi

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.S. Hegde : Judicial Member

The Hon'ble Mr.

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

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Dr.P.C.Goklani,
Medical Officer,
P & T Dispensary,
Maninagar,
Ahmedabad - 8.

...Applicant.

R/O

1, Postal Officer's Quarters,
Shahibag, Ahmedabad-4.

(Advocate : Shri K.K.Shah)

Versus

Union of India
To be served through
Secretary
Ministry of Health and Family
Welfare,
Nirman Bhavan,
NEW DELHI.

...Respondents.

(Advocate: Shri Akil Kureshi)

J U D G M E N T

O.A. NO. 170 OF 1990.

Dated : 25th Feb.1993.

Per : Hon'ble Mr.B.S.Hegde : Judicial Member

Heard both the parties. Shri K.K.Shah, appeared for the applicant and Shri Akil Kureshi, appeared for the respondents.

2. The question which arises consideration is whether the order No. A-27023/2 (8)/87-CHS. V. dated 10.11.1987, issued by the Ministry of Health and Family Welfare, granting different rates of conveyance allowance/compulsory allowance to general duty officers for performing same duty would amount to discrimination and thus violative of Article-14, 16 and 39 (d) of the Constitution as alleged by the applicant.

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3. The applicant has filed this application u/s.19 of the Administrative Tribunals Act, 1985, challenging the aforesaid circular dated 10.11.1987, issued by the Ministry of Health and Family Welfare, New Delhi, on the ground that it is a discriminative and violative of Article 14, 16 and 39 (d) of the **Constitution**.

4. During the course of hearing, the query was raised whether the applicant has made any representation to the authorities concerned. The Counsel for the applicant answered that his client did not made any representation so far. Accordingly, Shri K.K.Shah, counsel for the applicant urged the Tribunal, that the applicant may be allowed to make a representation to the competent authority regarding his grievance about the aforesaid circular.

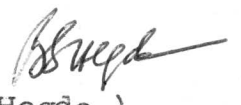
5. Though the respondents counsel Shri Akil Kureshi in their reply has taken various contentions denying the pleas of the applicant, however, in view of the point raised by the applicant's counsel, he does not have any objection in allowing the applicant to make a representation to the competent authority.

6. Having heard the counsel for the respective parties and having gone through the application and the records, I am of the view, that interest of justice would be met if the applicant is directed to make a representation to the concerned authorities bringing out the salient futures on or before 15.3.1993, and thereafter, the competent authority may dispose of such representation within

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a period of 3 months from the date of receipt of communication of this order.

7. Since the application has already been admitted by the Tribunal, the O.A. is disposed of in the light of the above. In case, the applicant is aggrieved by the out come of the representation, he will be at liberty to approach this Tribunal for appropriate relief. The application is disposed of.


(B.S.Hegde)
Member(J)

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