

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

717
O.A. No. 372 of 1990.
~~TA No.~~

DATE OF DECISION 20th October, 1993.

Shri S. Ayyappan Pillai Petitioner

Shri A.S. Dave 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. R.C. Bhatt : Member (J)

The Hon'ble Mr. M.R. Kolhatkar : Member (A)

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 ? ✗

Shri S.Ayyappan Pillai,
Cook, TACDE, A.F.,
Air Force Station,
Jamnagar - 3.

...Applicant.

(Advocate : Mr.A.S.Dave)

Versus

1. Union of India
(Notice to be served upon
the Secretary,
Department of Personnel,
Central Secretariat,
Sachivalaya,
New Delhi).
2. Union of India,
(Notice to be served through
the Secretary,
Ministry of Defence,
Central Secretariat,
New Delhi).
3. Air Commodore,
Air Officer Commanding,
33 Wing, Air Force Station,
Jamnagar.
4. Wing Commander (Admn),
Air Force Station,
Jamnagar.

...Respondents.

(Advocate : Mr.Akil Kureshi)

ORAL - ORDER

O.A./372/90.

Date : 20th Oct.1993.

Per : Hon'ble Mr.R.C.Bhatt : Member (J)

None is present for the applicant. Mr.Akil Kureshi is present for the Respondents. The application is dismissed for default.

M.R.K. Kolhatkar
(M.R. Kolhatkar)
Member (A)

R.C.Bhatt
(R.C.Bhatt)
Member(J)

AIT

OA/372/90

DATE	OFFICE REPORT	ORDER
22-12-1993.	As the learned Member of the Bench is not available, the matter is adjourned to 7-1-94.	
7-1-94		<p>K. RAMAMOORTHY MEMBER (A)</p> <p><u>M.A.689/93 in O.A.372/90</u></p> <p>Heard Mr.Kureshi. M.A.allowed.</p> <p>Order dismissing O.A.372/90 is set aside and the said O.A. is restored to file.</p> <p><u>O.A.372/90</u></p>
DATE	OFFICE REPORT	ORDER

O.A. may be fixed for final hearing in due course.

(K. RAMAMOORTHY)
MEMBER (A)

(N.B. PATEL)
VICE CHAIRMAN

*AS

O.A./372/90-

10.2.1994.

As only one Division Bench is available at present, this matter is adjourned sine die with liberty to either side to move for early hearing if so required by circumstances.

(K.Ramamoorthy)
Member(A)

(N.B.Patel)
Vice Chairman

ait.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

8

O.A. No. 372/90
T.A. No.

DATE OF DECISION 20-12-1994

S. Ayyappan Pillai Petitioner

Mr. M.S. Trivedi Advocate for the Petitioner(s)

Versus

Union of India and Others Respondent

Mr. Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. V. Radhakrishnan Member (A)

The Hon'ble Mr. Dr. R.K. Saxena Member (J)

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 ?

S. Ayyappan Pillai COOK
TACDE A.F.
AIR Force Station
Jamnagar.

Applicant

Advocate Mr. M.S.Trivedi.

Versus

1. Union of India
Notice to be served through
the Secretary, Department of
Personnel, Central Secretariat
Sachivalaya, New Delhi
2. Union of India
Notice to be served through
the Secretary, Ministry of
Defence, Central Secretariat
New Delhi.
3. Air Commodore
Air Officer Commanding
38 Wing, AIR Force
Station Jamnagar.
4. Wing Commander (Admn)
AIR FORCE Station
Jamnagar.

Respondents.

Advocate Mr. Akil Kureshi

O R A L J U D G M E N T

In

Date: 20-12-1994.

O.A. 372 of 1990

Per Hon'ble Shri V. Radhakrishnan

Member (A)


Heard Mr. M.S. Trivedi and Mr. Kureshi.

Mr. Trivedi states that his client will be satisfied if
he is allowed to make representation along with the other

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affected persons, giving full details to the respondents in the matter, and the respondents are directed to treat and decide the representation within a specific time limit. in order to ^{sanction} compensatory off or make overtime payment. Mr. Kureshi learned counsel for the respondent has no objection to this. In view of the above the applicant as well as the concerned persons are directed to make individual representations giving full details of the number of public holidays on which they have worked, within two weeks and when such representations are received by the respondents they are directed to examine and decide them with reference to the records available with them, within a period of three months from the date of the receipt of representations and intimate their decision to the concerned representationists. With the above directions the application stands disposed of. No order as to costs.

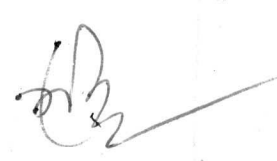
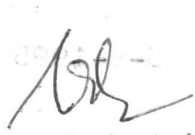
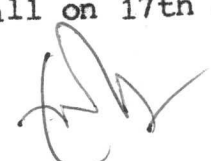

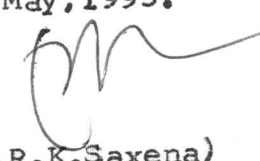



(Dr. R.K. Saxena)
Member (J)


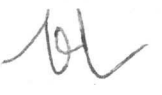



(V. Radhakrishnan)
Member (A)

*AS.

Date	Office Report	Order
14.2.95		<p><u>MA/143/95</u></p> <p>M.A.No:143/95 allowed.</p> <p>Extention of time to make representation up to 28.2.1995 granted.</p> <p>M.A./143/95 stands disposed of accordingly. Copy of this order may be given to Mr.M.S.Trivedi.</p> <p>Direct Service permitted.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">  (Dr.R.K.Saxena) Member (J) </div> <div style="text-align: center;">  (V.Radhakrishnan) Member (A) </div> </div> <p style="margin-top: 20px;">npm</p>
27.3.95		<p>Issue notice on M.A./236/95, returnable within two weeks.</p> <p>Call on 17th April,1995.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">  (Dr.R.K.Saxena) Member (J) </div> <div style="text-align: center;">  (V.Radhakrishna) Member (A) </div> </div> <p style="margin-top: 20px;">npm</p>
17.4.95		<p>Both the learned advocates are present. At the request of Mr.Akil Kureshi, adjourned to 4th May,1995.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">  (Dr.R.K.Saxena) Member (J) </div> <div style="text-align: center;">  (V.Radhakrishnan) Member (A) </div> </div> <p style="margin-top: 20px;">npm</p>

MA/236/95 in OA/372/90

Date	Office Report	Order
4.5.95		At the request of Mr. Adeshra for Mr. Akil Kureshi, the matter is adjourned to 5th June, 1995.  (V. Radhakrishnan) Member (A)
5-6-1995		At the request of Mr. M.S. Trivedi adjourned to 19-6-1995.  (V. Radhakrishnan) Member (A)
19.6.95		*AS. Mr. M.S. Trivedi is not present. Mr. Akil Kureshi is present. Adjourned to 20th June, 1995.  (V. Radhakrishnan) Member (A)

Office Report

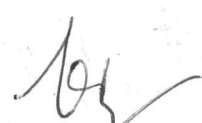
ORDER

M.A./236/95

It appears that the respondents are in doubt regarding payment to be made to the applicant on second Saturdays and Sundays also in addition to the public holidays, worked by him and they have restricted the claim to only public holidays.

The intention of the judgment is clarified as follows :

The applicant is entitled for compensation for any second Saturdays and Sundays also in addition to the public holidays he had worked in continuation of full five day week without getting any compensatory off for that week. M.A./236/95 stands disposed of accordingly.


(V. Radhakrishnan)
Member(A)


ait.

26.2.1996.

M.A./183/96 in O.A./372/90

notice issued
on 22.5.96
2 RPAD Awaiting

Issue notice on M.A.182/96, returnable
on 25.3.1996.


(K. Ramamoorthy)
Member(A)

ait.

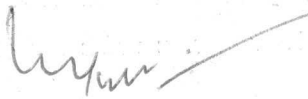
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Date	Office Report	ORDER
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25.3.96

19/8/96

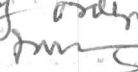
Mr.Paniwala is not present
to 28/8/96.


(T.N.Bhat)
Member(J)

ssh*

28/8/96

As the learned Member of
the Bench is not available,
the matter is adjourned
to.....22.9.96


By order,


CO-4

28-8-96

24.9.96

Heard Mr.Paniwala and Mr.Akil Kureshi.
At the request of Mr.Kureshi, adjourned
to 29th October,1996.


(V.Radhakrishnan)
Member (A)

npm

Date

Office Report

ORDER

29.10.96.

M.A./338/96

M.A. disallowed, as the clarification as asked for in para 2 (A) is not implied in the order of the Tribunal.

M.A./559/96

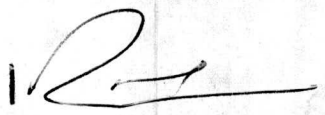
M.A. disallowed as the clarification as ~~sought~~ sought for in para 5 does not flow from the direction.

M.A./183/96

Heard the learned counsel for the applicant. The learned counsel vehemently urged that in passing ^{of} the earlier order by this Tribunal on 20.12.1994, Court had been misdirected inasmuch as the direction was sought without the approval of the applicant. The learned counsel for the applicant sought the aid of the Judgement of the Hon'ble Supreme Court in the case of S.P.Chengalvaraya Naidu Versus Jagannath, 1994 (1) G.L.II. 81, as well as the Judgement of Gujarat High Court in Amratlal Modi Vs. Cachraji Dalaji and another, ILR (1964) P.420, wherein the Courts have frowned on the judgements which had been sought by fraud. In this particular case however, no case of fraud is ~~seen~~ ^{is proved} as the learned counsel for the applicant has only moved the Tribunal with a request that the respondents may consider the representation that is submitted by them. Significantly enough such a representation has also been filed by the applicant. The learned counsel for the applicant obviously

20/11/96
Ane

Date	Office Report	ORDER
		<p>- 2 -</p> <p>sought the directions by way of seeking solution through the Department only.</p> <p>In view of the above, M.A./183/96 is also disallowed.</p> <p>ait.</p>


(K. Ramamoorthy)
Member (A)

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O.A./T.A./M.A./R.A./C.A.No. CA/ 54 195 in O.A/372/90

Shrii MST vi vadi

COUNSEL

VERSUS

COUNSEL

COUNSEL

DATE	OFFICE REPORT	ORDER

O.A./T.A./M.A./R.A./C.A.No. CA/ 54 /95 in OA/372/90

APPLICANT (S)

COUNSEL

VERSUS

RESPONDENT (S)

COUNSEL

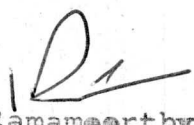
DATE	OFFICE REPORT	ORDER

Office Report

ORDER

3.8.95


Issue notice returnable on 23rd August, 1995.
Direct service permitted as regards respondent
No.2.


(K. Ramamoorthy)
Member (A)

vtc.

23.8.95


Reply filed by Mr. Kureshi taken on record.
Adjourned to 4th October, 1995 at the request
of Mr. Kureshi.


(K. Ramamoorthy)
Member (A)

vtc.

4.10.95


At the joint request of the learned advocates,
adjourned to 10th October, 1995.


(K. Ramamoorthy)
Member (A)

npm

10.10.95

Mr. H.A. Paniwala files Vakalatnama in place of
Mr. M.S. Trivedi. His name may be shown
as advocate for the applicants. At his request
the matter is adjourned to 4th December, 1995.


(K. Ramamoorthy)
Member (A)


npm

*RBN) denied
from Aug No 1*

Date	Office Report	ORDER
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4.12.95

Adjourned to 5th January, 1996 at the request of Mr. H.A. Panivala to enable him to file M.A. for amendment.


(K. Ramamoorthy)
Member (A)

npm

5-1-1995

M.A. 817/95 in O.A. 54/95 in O.A. 372/90

M.A. allowed. Amendment be carried out within one week. Reply to amended portion be filed within three weeks. Adjourned to 24-1-1996


M.A. stands disposed of accordingly.


(V. Radhakrishnan)
Member (A)

*AS.

24.1.96

At the request of Mr. H.A. Paniwala, the matter is adjourned to 26.02.1996. This will be the last adjournment.


(K. Ramamoorthy)
Member (A)

npm

26.2.1996.

Issue notice on M.A./95/96 returnable on 25.3.1996.


(K. Ramamoorthy)
Member (A)



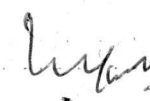


ait.

READ 2nd
from Report.
1, 2, 3

22
10
10

Date	Office Report	ORDER
25.3.96		<p><i>ordered to be</i></p> <p>Even though the order the notice was issued on 26.2.96 in MA/183/96, the notice has been actually issued on 26.3.96. No reply has been filed .</p> <p>Adjourned to 25.04.1996.</p> <p><i>10R</i></p> <p>(K.Ramamoorthy)</p> <p>Member (A)</p> <p>npm</p>
25.4.96		<p>Adjourned to 21.06.1996 to enable the counsel for the applicant to file rejoinder, or any cause of action.</p> <p><i>12</i></p> <p>(K.Ramamoorthy)</p> <p>Member (A)</p> <p>npm</p>
4.6.96		<p><u>MA/338/96 in OA/372/90</u></p> <p>Issue notice on M.A. returnable on 1st July,1996.</p> <p><i>102</i></p> <p>(V.Radhakrishnan)</p> <p>Member (A)</p> <p>npm</p>
21.6.96	<p>As the learned Member of the Bench is not available, the matter is adjourned to 01-7-96</p> <p><i>By order</i></p> <p><i>nm</i></p> <p><i>Co II.</i></p>	

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Date	Office Report	ORDER
1.7.96		<p>At the request of Mr.H.A.Paniwala, adjourned to 6th August,1996.</p> <p> (V.Radhakrishnan) Member(A)</p> <p>npm</p>
6.8.96		<p>At the request of Mr.Paniwala adjourned to 22nd August 1996. It may be noted that this is the last chance given.</p> <p> (K. Ramamoorthy) Member (A)</p> <p>pmr</p>
22.8.96		<p>Both the learned counsel are present. Adjourned to 24.09.1996 to enable Mr.Kureshi to file reply of MA/95/96.</p> <p> (F.N. Bhat) Member(J)</p> <p> (V.Radhakrishnan) Member(A)</p> <p>npm</p>
24.9.96.		<p>At the joint request of the learned advocates, adjourned to 29.10.1996.</p> <p> (V.Radhakrishnan) Member(A)</p> <p>ait.</p>

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

C.A..NO. 54 OF 1995 with M.A.NO.95/96 &
M.A.NO. 644 OF 1996 in
O.A.NO. 372 OF 1990.
~~P.A.NO.~~

DATE OF DECISION 29-10-1996.

Shri S.A.Pillai Petitioner

Mr.H.A.Panirvala Advocate for the Petitioner [s]
Versus

Union of India and ors. Respondent

Mr.Akil Kureshi Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. K.Ramamoorthy : Member (A)

The Hon'ble Mr.

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

Shri S.A.Pillai,
RACDE, AF,
Air Force Station,
Jamnagar.

...Applicant.

(Advocate : H.A.Panirvala)

Versus

1. Union of India, through,
Secretary, or his successor,
Ministry of Defence,
Central Secretariat,
New Delhi.
2. K.C.Philposh,
Air Commander,
Air Officer Commanding,
33, Wing, AIR Force Station,
Jamnagar.
3. S.S.Tyagi,
Air Commander,
33 Wing, Air Force Station,
Jamnagar.

...Respondents.

(Advocate : Mr.Akil Kureshi)

ORAL ORDER

C.A.NO.54 OF 1995 with
M.A.No.95 OF 1996 and
M.A.NO.644 of 1996 in
O.A.No.372 of 1990.

Date : 29-10-1996.

Per : Hon'ble Mr.K.Ramamoorthy : Member (A)

The C.A./54/95 has been filed against the non-implementation of the order passed by this Tribunal on 20.12.1994. In the reply, the respondent-department has stated that the representations have been disposed of by a proper reply dated 15.3.1995. In view of this reply, it is clear that there has been no willful disobedience of this Tribunal's order. If the applicant is dissatisfied with the reply, he can challenge the