

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

~~XXXXXXXXXXXXXX~~M.A./242/90 in
O.A. Stamp No. 300/90~~XXXXXX~~
~~XXXXXX~~~~xxx~~

COA/104/91

DATE OF DECISION 19-03-1991Mr. Mangalsingh Kalubha and anr. PetitionerShri B.B. Gogia Advocate for the Petitioner(s)

Versus

Union of India and others RespondentShri R.M. Vin. Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr. S. Santhana Krishnan : Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
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? *Yes*

1. Mangalsingh Kalubha,
Saloon Attendent,
Under CWS, Western Railway,
Bhavnagar.
2. Bhimji Lakha,
Saloon Attendent
Under CWS, Western
Railway, Bhavnagar.

...Applicants.

(Advocate: Mr. B.B. Gogia)

Versus.

1. Union of India,
Owning and representing
Western Railway, through
General Manager,
Western Railway,
Churchgate, Bombay.
2. Divisional Railway Manager,
Western Railway,
Bhavnagar.

.... Respondents.

(Advocate: Mr. R.M. Vin)

ORAL ORDER

M.A.No. 242/90

in

O.A.Stamp No.300/90

Date: 19-3-1991

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

Heard Mr. B.B.Gogia and Mr. R.M. Vin, learned
counsel for the applicants and the respondents.

2. The above M.A. is to the effect that the
Saloon Attendants of Rajkot division, had moved an
O.A. in this Tribunal, which was decided by order dated
15.6.1988 to implement which order memorandum dated
3.11.1989 has been issued by the Divisional Office,
Rajkot which has given rise to the applicant's cause
of action on 3.11.1989. It is also averred that the
applicants of Bhavnagar Division were waiting for the
decision in the T.A. filed by the Saloon Attendants
of Rajkot division. On these grounds the Original
Application has been filed on 10.7.1990.

3. Perusing this M.A. makes it clear that the applicants on the one hand virtually say that no delay has been caused and on the other it is submitted that the delay caused in filing the petition may be condoned.


4. As the applicant's counsel states that the cause of action arose from the memorandum dated 3.11.1989, by provisions of Section 21(1)(A), an application can be filed within one year of 3.11.89 i.e. upto 2.11.1989. The original application has been filed on 10.7.1990. As such looking to the provisions of law it is filed in time and it is difficult to understand why the M.A. in the terms came to be filed.

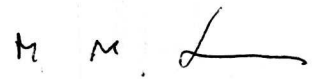
5. However, when we explore the original application and go behind the contents of the Misc Application we find that by memorandum dated 3.11.1989 the divisional office Rajkot issued directions to implement the orders dated 15.6.1988 in T.A. 1329/86. It is difficult to visualise how this Tribunal's order which in terms declares the petitioners in T.A. 1329/86, as entitled to the pay scale of the upgraded posts with benefit of senior scale etc., and order that dues be calculate accordingly and be paid to them within four months of the date of the order and a memorandum filed by the D.R.M.(E), Rajkot, on 3.11.1986 for the specific purpose of implementing the said order revise the cause of action to the applicants herein with effect from 3.11.1989 as the date of cause of action. Cause of action which mentioned into memorandum 11.89 for remedial action pursuant to this Tribunal order gives no cause of action to the applicant.

The T.A. above was filed by the applicants Saloon Attendants whose claim was that they should be taken as automatically deemed to have been placed in the pay scale of Rs. 380-560 and in the scale of Rs.330-480.

6. In view of the above, we see no scope for the original application to be filed on the above basis much less any ground for filing Misc.Application for condonation.

7. The M.A. is rejected. The Original Application Stamp No. 28/90 is also rejected. The O.A. Stamp may be registered as original application disposed of by our two orders.


(S.Santhana Krishnan)
Judicial Member


(M.M. Singh)
Administrative Member.