

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

MA/100/92 In CAS 17/92

Sent by Regd. A.D. Post

Served personally.

5th Floor,
B.D. Patel House,
Nr. Sardar Patel Colony,
Post: Navjivan,
Ahmedabad - 380 014.

Date: 24/04/92

R. B. kokas & co

APPLICANT (S)

V/s.

Union of India & co

RESPONDENT (S)

To,

① Shri R. B. kokas & co.
Jawahar nagar Telephone Exchange.
Jawahar nagar,
Baroda

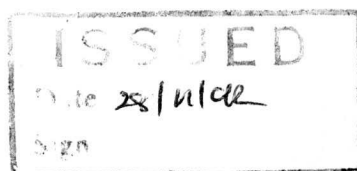
② S. P. Harsukar (Adv)
12, Shantisadom Estate,
Opp: Dinbai Towers,
Lal Daswaja,
Ahmedabad

Take notice that the above application has been fixed
for Admission on 01/5/92
at 10.30 A.M. In the said application you represent the
applicant/respondent and therefore you are hereby informed
to remain present for conducting the matter. If you will
fail to appear or to arrange to proceed with the matter it
will be heard and decided in your absence. If necessary you
may arrange to inform your client to remain present in the
Court.

O/C
Bfsc
24/04/92

24/4/92

Section Officer(J)
Central Administrative Tribunal
Ahmedabad Bench
Ahmedabad.



CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

MA/100/92 In O.Ast 17/92

Sent by Regd. A.D. Post

Served personally.

5th Floor,
B.D. Patel House,
Nr. Sardar Patel Colony,
Post: Navjivan,
Ahmedabad - 380 014.

Date: 24/04/92

Central Administrative Tribunal
Ahmedabad Bench
Inward No. 5279
Date 13-5-92

R. B. kokas & as

APPLICANT (S)

V/s.

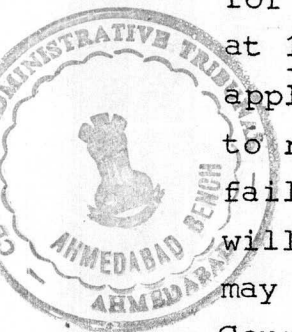
Union of India & as

RESPONDENT (S)

To,

Shri R. B. kokas & as
Jawahar nagar Telephone Exchange,
Jawahar nagar
Bazodra

Take notice that the above application has been fixed
for Admission on 01/5/92
at 10.30 A.M. In the said application you represent the
applicant/respondent and therefore you are hereby informed
to remain present for conducting the matter. If you will
fail to appear or to arrange to proceed with the matter it
will be heard and decided in your absence. If necessary you
may arrange to inform your client to remain present in the
Court.



Sh. Poojan
13/5

Section Officer(J)
Central Administrative Tribunal
Ahmedabad Bench
Ahmedabad.

Intersect

--	--	--	--	--	--

Pin / Office / Post

Sender's address

Address of the sender

AHMEDABAD-380014

B. D. Patel, P. C. Navjivan

Ahmedabad Bench

Despatcher
Central Administrative Tribunal



Office - Ahmedabad

DEPARTMENT OF POST-INDIA

Office of the Postmaster

Post Office - Ahmedabad

Office of Posting

Date-stamp of

Post Office

Post Office

115142.

$\frac{1}{x^2} = x^{-2}$

ON

67/100

1 R. B. Lewis & Sons

~~SECRET~~

प्राप्त १५/११/१९५५

19

Score out the matter not required

1574 1580 1586 1592 1598

二、新发现的“新发现的”

Signature of Addressee

Signature of Addressee

NOTICE FORM NO. 4

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

MA/100/92 In OAST. 17/92

Sent by Regd. A.D. Post

Served personally.

5th Floor,
B.D. Patel House,
Nr. Sardar Patel Colony,
Post: Navjivan,
Ahmedabad - 380 014.

Date: 24/04/92

Central Administrative Tribunal
Ahmedabad Bench
Inward No. 5276
Date 13-5-92

R. B. kokas & cy.

APPLICANT (S)

Union of India v/s. India & cy


RESPONDENT (S)

To,

Shri S.P. HASUKAR (Adv)
12, Shantisadan Estate,
Opp: Dinkai Towers
Lal Dargah
Ahmedabad

Take notice that the above application has been fixed
for Admission on 01/5/92
at 10.30 A.M. In the said application you represent the
applicant/respondent and therefore you are hereby informed
to remain present for conducting the matter. If you will
fail to appear or to arrange to proceed with the matter it
will be heard and decided in your absence. If necessary you
may arrange to inform your client to remain present in the
Court.




Section Officer(J)
Central Administrative Tribunal
Ahmedabad Bench
Ahmedabad.

SH. Parmar
145
13/5

Intersect

Pin / Office / Pin

--	--	--	--	--	--

Sender's address

Addressing

Post Office

Office of Posting
Date-stamp of
Post Office

Post Office

R.P.-54
Post Office

DEPARTMENT OF POST-INDIA

Post Office

Post Office



Despatcher

Central Administrative Tribunal

Ahmedabad Bench

Patel House, Po. Navjivan

AHMEDABAD-380014

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE
AHMEDABAD BENCH AT AHMEDABAD.

MISC. APPLICATION NO. 100 OF 1992

IN

ORIGINAL APPLICATION (Stamp) NO.17 OF 1992

OA-199 of 1992

R.B. Kokas and Ors.

... Applicants

V/s.

Union of India & Ors.

... Respondents

Written Reply to the Misc.Appln.

on behalf of respondents.

I, J. L. KHARE
working as AGM (DIT) o/o CGMT AHM with
the respondents ~~is~~ herein, do hereby state
in reply to the aforesaid Misc. Application
as under:

1. I am conversant with the facts of
the case and I have perused the relevant papers
and files pertaining to the matter and I am
authorised to file this reply. I am therefore,
competent to file this reply on behalf of
the respondents.

2. At the outset I say and submit that

Recd copy

8/5/92

no part of the misc. application shall be deemed to have been admitted by the respondents unless specifically stated so. All the statements, averments and allegations contained in the misc. application shall be deemed to have been denied by the respondents unless specifically stated so hereinafter.

3. At the outset I say and submit that the aforesaid misc. application is misconceived, untenable and requires to be rejected.

4. I say and submit that the aforesaid misc. application for condonation of delay caused in filing the original application requires to be rejected summarily as it is time barred under the provisions of Section 20 and Section 21 of the Administrative Tribunal Act, 1985. I say and submit that the applicants should have made such an application on or before 6th March 1991. I deny that the applicants came to know about the order under challenge in November 1990. I deny that the applicants have made their second representation immediately after they came to know about the order. I say and submit that the applicants have not stated sufficient reason on account of which they were prevented from filing the original application before this Hon'ble Tribunal

within the period of limitation prescribed under the law.

5. I say and submit that since the action regarding payment of CCA by the respondent authorities is the present misc. application as also the original application deserve to be dismissed.

6. In view of what has been stated above I say and submit that this Hon'ble Tribunal be pleased to reject the Misc. Application as also the Original Application.

Ahmedabad,

Dt. 7th-5-1992.

J. L. Khare
J. L. KHARE

सहायक महाप्रबंधक (वि. जा.)

Asstt. General Manager (D.I.)

कार्यालय: मुख्य महाप्रबंधक वृत्त चार
Verification of the Chief General Manager

गुजरात सर्किल, अहमदाबाद 380009
Gujarat Circle, Ahmedabad-380009

I, J. L. KHARE AGM (D.I.)

do hereby verify and state that what is stated above is true to my knowledge, information and belief and I believe the same to be true. I have not suppressed any material fact.

Verified at Ahmedabad on this 7th day of May 1992.

J. L. Khare
J. L. KHARE

सहायक महाप्रबंधक (वि. जा.)
Asstt. General Manager (D.I.)

कार्यालय: मुख्य महाप्रबंधक वृत्त चार
O/O the Chief General Manager

गुजरात सर्किल, अहमदाबाद 380009
Gujarat Circle, Ahmedabad-380009

is already initiated hence

Filed in court
on 8.5.92 by
Mr. Atul Kumbhar
Adv. to the
respondt.
Atul Kumbhar

AHMEDABAD

199

~~V B Jernant~~

COUNSEL

Union of India & Co

COUNSEL

Date	Officer Report	Orders
	Current of CCA.	

M.A./100/92

in
O.A./199/92

Date

Office Order

O R D E R

1.5.1992

Res. submitted
This order
has not been
complied with.

By
7/5/92
S.C.T.

Heard learned advocates for the parties.
The title of O.A. be corrected to show the
name all the applicants. The respondents
to file reply to M.A. before 8th May, 1992.
The matter is adjourned to 8th May, 1992.

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

*Kaushik

08.05.1992.

M.A./100/92

and

O.A./199/92

Present:- Mr. S. P. Harsurkar (learned
Advocate for the applicants.

Mr. Akil Kureshi (learned
Advocate for the respondents.

Oral Judgement.

(R.C. Bhatt)
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

M.A. NO. 100 of 1992 in
O.A. No. 199 of 1992.
~~T.A. No.~~

DATE OF DECISION 08.05.1992.

Shri R.B.Kokas and Ors. Petitioner

Shri S.P.Hasurkar 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.

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 ? ✕

1. Shri R.B.Kokas
2. M.M.Parmar
3. J.M.Tadvi
4. R.P.Chauhan
5. R.D.Patel
6. B.D.Baria
7. M.C.Patel
8. G.P.Vasava
9. B.C.Raval
10. M.M.Shah
11. N.S.Patel
12. R.D.Singh
13. K.Jayantkumar
14. V.S.Kulkarani
15. A.N.Patel
16. M.D.Nizamuddin
17. B.M.Kulkarni
18. R.M.Rathwa
19. D.S.Bhatt
20. L.D.Deval
22. S.D.Pande
21. P.B.Patel
23. S.J.Patel
24. A.M.Bariya
25. N.B.Patel
26. P.L.Dabhi
27. A.R.Vora
28. S.P.Dabhi
29. S.H.Asangi
30. H.A .Tiwari
31. B.B.Vasava
32. C.V.Bariya
33. F.N.Bariya
34. M.P.Mahadik
35. R.H.Solanki
36. B.G.Patel
37. L.R.Tiwari
38. K.M.Bariya
39. S.M.Patel
40. MD.Idris.
41. C.M.Chadhan
42. R.R.Rajput
43. B.S.Chhonkar
44. C.H.Bariya
45. R.F.Patel
46. C.M.Parmar
47. R.G.Gosai
48. S.M.Patel
49. S.C.Raval
50. K.A.Modi
51. D.S.Patel
52. V.B.Parmar
53. R.T.Sharma
54. D.H.Bhanotar
55. S.C.Gohil
56. B.R.Patel
57. M.P.Pandya

....Applicants.

Jawahar Nagar Telephone Exchange,
Jawahar Nagar,
Baroda.

(Advocate : S.P.Hasurkar)

Versus

1. Union of India,
Through President of India,
Rastrapati Bhavan,
New Delhi.
2. Director General of Telephone
Sanchar Bhavan,
New Delhi.
3. The General Manager,
Telecom District Baroda,
Bachhucharaji Road,
Karelibag,
Baroda.

...Respondents.

(Advocate : Mr.Akil Kureshi)

ORAL JUDGMENT

M.A. No: 100 OF 1992. in
O.A. NO: 199 OF 1992.

Date : 08-05-1992.

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

Mr.S.P.Hasurkar, and Mr.Akil Kureshi,
learned advocates for the applicant and the respondents
present. Mr.Akil Kureshi, files reply to the
M.A., to-day. Reply be taken on record.

2. This application under Section 19 of
the Administrative Tribunals Act, 1985, is filed
by 57 applicants who are under the employment of
respondent no.3, in the Telephone Exchange, Jawahar-
nagar, seeking the relief that the order dated
29th October, 1991, Annexure-A/4, passed by
Asstt. Director General (STP), be quashed and set
aside, and the respondents be directed to pay
the City Compensatory allowances to the applicants.

3. The applicants have filed also an
application under Rule - 4 (5) A, of the Administrative

...4...

Tribunal Rules, seeking permission to file this composite application of the applicants for common cause of action and hence the permission is granted. The applicants have also filed an application for condonation of delay being M.A./100/92. in which it is mentioned that the applicants have filed this application on 22nd January, 1992, though the impugned order challenged is dated 29th October, 1990. It is averred in the application that they came to know about this order in November, 1990. Learned advocate for the applicant submitted that the applicants ought to have file this application by 29th October, 1990, and there is delay of about three months in filing this application and the same be condoned. Learned advocate for the respondents does not seriously challenge this application for condonation of delay. Relying on the averments made in the application M.A./100/92, I condone the delay and treat the application within time.

4. This application can be disposed of at the admission stage. The application is admitted. Learned advocate Mr. Akil Kureshi, for the respondents waves notice. Learned advocate for the applicants drew my attention to the impugned order Annexure-A/5, dated 17th December, 1990, in which the Asstt. Engineer (Staff), O/O the General Manager, Vadodara Telecom District, Vadodara, as in a letter to the Secretary, Action Committee, Jawaharnagar Telephone Exchange, Vadodara, informed

them that the case for sanction of CCA to the Telecom. Staff working at Jawaharnagar, Vadodara, has been taken up with the DOT, New Delhi, vide the said Office letter No.E.52/I/106, dated 6th December, 1990. Learned advocate has drawn my attention to that letter dated 6th December, 1990, produced at Page.30. Last line of that letter addressed to the Deputy General Manager, O/O GMTD, Baroda, to A.D.G.(STP), Department of Telecommunications, New Delhi, is mentioned as under :

"It is requested to re-consider the proposal as per rules."


The learned advocate for the applicant submitted that they have not heard nor are they communicated with the ultimate decision to the demands of the applicants for City Compensatory allowances. Learned advocate Mr.Akil Kureshi, for the respondents submitted that the relevant material to decide that point is forwarded to the respondent no.2, before one month and therefore, in all ^{probability} ~~Z~~ the respondents will be able to take decision within two months.

6. In view of this position, this application can be disposed of by giving direction to the respondent no.1 and 2 to take the decision in the matter within two months.

7. Hence the following order :

ORDER

"The application is partly allowed. The respondent no.2, to take the decision within two months from the date of receipt of this order, according to rules, regarding the claim of the applicants for grant of City Compensatory allowance in view of Annexure-A/5, dated 17th December, 1990, which refers to the letter dated 6th December 1990, and to inform^{about} the decision taken to the Secretary, Action Committee, Jawaharnagar Telephone Exchange, Vadodara. . The application is disposed of. M.A. is also disposed of. No order as to costs."


(R.C.Bhatt)
Member(J)

AIT