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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 69 of 1991

Date of Decision: 22.2.1993

Bharatiya Extra Departmental Employees Union & Other ... Applicant

Versus

Union of India & Others Respondents

For the applicant M/s. S. Kr. Mohanty,
S. P. Mohanty,
Advocates

For the respondents Mr. Aswini Kumar Mishra,
Standing Counsel
(Central Government)

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C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? *Mr*
3. Whether His Lordship wishes to see the fair copy of the judgment ? Yes

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JUDGMENT

MR .K .P .ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act,1985, the petitioners pray that an order may be passed directing the opposite parties to grant benefit under Annexure-1 on the basis of assessment already in existence as on 15.7.1987 to the E.D.Employees of Keonjhar Division and direct OP No. 3 to calculate the arrear amount and pay the same to the E.D.Employees within a specified period.

2. Petitioner No. 1 is the Bharatiya Extra Departmental Employees Union, Keonjhar Division represented by Sri Basanta Kumar Mallick, Divisional Secretary of the Union and petitioner No.2 is one Shri Bansidhar Dehuri, Extra Departmental Mail Carrier, Buagaon Branch Office.

3. Bereft of the details of the case ~~of~~ the petitioners it would suffice to say that the pay scale of all Extra Departmental Employees except Extra Departmental Branch Post Master was amended or revised with effect from 1.1.1986 as per Annexure-1. Such revision of pay scale not having been given effect to, Bharatiya Extra Departmental Employees Union, Cuttack North Divisional Branch had approached this Bench for redressing its grievance and this formed subject matter of Original Application No. 375 of 1988 in which prayer of the petitioners was exactly the same. The said case was disposed of on 24.10.1989. In the said judgment, the learned Single Judge (Member (Judicial) directed the opposite parties to give the benefit~~s~~ to the petitioners in the said original application in accordance with the Annexure-R/1 with effect from 1.1.1986. Originally when this application (O.A. No.69 of 1991) was filed, the

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judgment passed in O.A.375/88 had not been given effect to so far as Keonjhar Division is concerned and this fact would appear from the pleadings of the parties. Hence the said original application was filed. To-day I have heard Mr.S.P.Mohanty, learned counsel for the petitioner and Mr.Aswini Kumar Mishra, learned Standing Counsel for the Central Government. The admitted position is that during the pendency of this original application, the judgment passed in O.A. No.375 of 1988 has been implemented so far as Keonjhar Division is concerned. In view of this fair submission made by Mr.Mohanty, I feel both prayer Nos. 1 and 2(stated above) have become infructuous, and therefore the case deserves to be disposed of accordingly. But Mr.Mohanty, relying on the averment finding place in the counter submitted that the work load as per Annexure-1 has not been correctly and properly assessed and therefore the amount ~~as stated~~ in Annexures-R/1 and 2 have not been correctly reflected. This is a new grievance and a new case set up by the petitioner which cannot be entertained as this does not form subject matter of the pleadings as framed originally. The pleadings have not been amended. Without notice to the opposite parties, a new plea cannot be entertained. Therefore while disposing of this original application having become infructuous, it is directed that the petitioners, if so advised, may lay their grievance before the appropriate authority by way of written representation and the appropriate authority would consider the same and pass a reasoned order according

to law and liberty is given to the petitioners that if they feel aggrieved, they may approach this Bench, if so advised.

4. Thus the application is accordingly disposed of leaving the parties to bear their own cost.

L. K. Sahoo *22.2.93.*

VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 22.2.1993/ B.K. Sahoo

