

M/S N.R.Tripathy
S.Ray
Swarnika Ray
C.R.Nandi
CAT N.II

(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

O.A./T.A./R.A.No..... 943/1996

Pratap Chandra Swain.....Applicant(s)

Versus

Union of India & Ors.....Respondent(s)

Sr. No.	Date	Order with Signature
	26.12.96	<p>Pratap Chandra Swain S. RAY REBISITUT</p> <p>gpo for Rs 50/- filed</p> <p>Per Regd. Please</p> <p>26.12.96</p>
1	8.1.97	<p>Shri S.Ray is stated to be ill. Adjourned to 9.1.1997 at request. MEMBER (ADMINISTRATIVE)</p>
2	9.1.97	<p>M.A.813/96 Heard Shri C.R.Nandi, counsel for the applicants. There are 64 applicants in this Application filed under Section 19 of the A.T. Act, 1985, who seek permission to pursue this case by a single application under Rule 4, Sub-Rule 5(a). They are permitted to file the application jointly. Misc.Application 813/96 is disposed of accordingly.</p> <p>Swain MEMBER (ADMINISTRATIVE)</p> <p>943/96</p> <p>Heard Shri C.R.Nandi, counsel for the applicants. The relief prayed for in this application is to declare the reduction of one day's salary of the applicants relates to 1.1.1994 as illegal and to direct the Respondents</p> <p>Bench 7.1.97</p>

Serial No. of Order	Date of Order	Order with Signature
..2	9.1.97	<p>to pay the applicants or that one day's salary. All the applicants are the employees working in the Production Shop at Carriage Repairing Workshop, S.E.Railway, Mancheswar. It is the claim of the applicants that on 1.1.1994, they joined the duties and worked in the office. Their presence on 1.1.1994, it is submitted can be verified from the daily attendance register of the workers and the monthly statement of the Shop Superintendent of the Production Workshop. The Respondents, it is alleged arbitrarily followed the principle of <u>No Work No Pay</u> and stopped payment of salary for the aforesaid date. The applicants presented a representation on 25.5.1996 to the Chief Workshop Manager (Respondent No.2) for setting right their grievances. The Superintendent of the Workshop recommended the case of the applicants. It is submitted by the learned counsel that on an identical cause of action in O.A. No.723/94 and O.A.No.3/95, this Court allowed the claim of the applicants therein and directed payment of salary withheld for one day, viz. 1.1.1994. In spite of this order of the Tribunal, it is submitted by the petitioners' counsel Shri Nandi, these 64 petitioners have not so far been paid the salary withheld for 1st January, 1994.</p> <p>In the order dated 11.12.1995, passed by the Division Bench of this Court in O.A. Nos.723/94 and 3/95, the applicants' claim was held to be justified. It is not known as to why the petitioners were not given the same benefit on an identical cause when this Court allowed the relief. In view of this background, this Application can be disposed of by giving a simple direction to the</p>

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2	9.1.97	<p>Chief Workshop Manager, Carriage Repairing Workshop, S.E.Railway, Mancheswar(Res. 2) before whom the representation dated 25.5.1996 is pending.</p> <p>Respondent No.2 is hereby directed to dispose of the said representation within three weeks from the date of receipt of this order following the decision of this Court in O.A. Nos.723/94 and 3/95 dated 11.12.1995 and redress the grievances of the applicants. If he thinks that the applicants' case is not similar to the Applications decided by the Division Bench of this Tribunal as aforesaid, he shall pass a reasoned and speaking order after hearing these applicants in person.</p> <p>Thus the Application is disposed of at the admission stage with the above direction.</p> <p>Hand over a copy of the order to the petitioner's counsel.</p> <p><i>Pranaymukh</i> _____ MEMBER (ADMINISTRATIVE)</p>	<p>Order no. 2 dt. 9.1.97</p> <p>A copy of the order may be given to the counsels.</p> <p>Recd 10/1/97</p> <p>Adv. S.O. Copy Dipak Advocate For the petitioner</p>