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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.753 of 2012

All India Postal Extra Departmental
Employees Union and anotherApplicants
-Versus-
Union of India & Others.Respondents

ORDER DATED- 10th October, 2012.

CORAM
THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (ADMN.)
And
THE HON'BLE MRA.K.PATNAIK, MEMBER (JUDL.)
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This Original Application has been filed by one Shri Narendra Pandey representing the All India Postal Extra Departmental Employees Union Cuttack North Division Branch, Katikata Asureswar, Cuttack in the capacity of Divisional Secretary and another Shri Golakha Chandra Jena stating to be an affected employee due to the decision taken by the Respondent-Department. Their prayer, in this OA, is as under:

i) Quash the orders under Annexure-A/3 and A/6 and any other order passed behind the back of the Applicant reducing the TRCA and also the consequential orders effecting recovery from the TRCA of the month of June, 2012 onwards of the applicants and member of the applicants Union.

ii) Direct the respondents to restore the revised TRCA in respect of the applicants and refund/return the amount received from the TRCA of the members of the applicant union to the respective employees;

2. As an interim measure, they have sought the following order:

“During the pendency of the present original application the respondents may be directed not to effect any recovery from the TRCA of the members of the applicants union.”

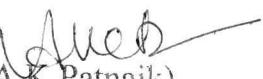
3. Heard Mr. Trilochan Rath, Learned Counsel appearing for the Applicants and Mr. Uma Ballav Mohapatra, Learned Senior Standing Counsel, on receipt of OA in advance, appearing for the Respondent-Department and perused the materials placed on record.

4. Sub Rule 5(b) of Rule 4 of the CAT (Procedure) Rules, 1987 empowers for grant of permission to an association representing the persons desirous of joining in a single application provided, however, that **the application shall disclose the class/grade/categories of persons on whose behalf it has been filed** (provided that at least one affected person joins such an application. In the present OA no Association of the employees has filed but this OA has been filed by the Union. Nowhere in the OA or even any separate list showing the names who are the members of the aforesaid association and their class grade and category has been mentioned/enclosed. We also find that except stating Divisional Secretary of the concerned Union applicant No.1 has not disclosed his identity. He is also not an affected person. It is seen that recovery has been ordered due to over payment in individual capacity, at different rates varying from employee to employee and it is not a policy matter. The resolution filed does not disclose/bear the names of the members or their class/grade/categories. However, Mr. Rath, Learned Counsel appearing for the Applicant placed reliance on the order dated 9th October, 2012 in



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OA Nos. 742/2012 & 743/2012. But we see no justification to entertain this OA merely because in the above two cases notices have been issued and no recovery for 15 days was ordered. Hence this OA, in the present form is held to be not maintainable and is accordingly dismissed.

5. Registry is directed to list OA Nos. 742/2012 & 743/2012 for considering the question of similarity with the present OA on 12-10-2012.


(A.K. Patnaik)
Member(Judicial)


(C.R. Mohapatra)
Member(Admn.)

KB, CM