

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

O.A. 574 OF 96

Present

Hon'ble Dr. B.C. Sarma, Member (A)

Hon'ble Mr. P. Dutta, Member (J)

MAHESH ROY & ORS

-Vs-

UNION OF INDIA & ORS

For Applicant Mr. S.N. Roy, Counsel.

For Respondents Mr. B.K. Chatterjee, Counsel.

Heard on : 17-6-96

Ordered on : 17-6-96

O R D E R

B.C. Sarma, AM

131 applicants have jointly filed this application being aggrieved by the Army Instruction No.94/1994 MES Water Supplies - All India Recovery Rates issued by the Ministry of Defence on 28-8-94, and also Army Instruction No.94/1994 MES Electrical Charges - All India Recovery Rates issued by the Ministry of Defence dtd 26-8-1994, revising the earlier rates of water and electricity charges, as per their contention, without following the norms for revision of the electricity and water charges and also passing an order for recovery of water and electricity charges at enhanced rate with retrospective effect on and from 1-4-1992.

2. When the admission hearing was taken up today, Mr. B.K. Chatterjee appears for the respondents. He submits that there was no representation against the impugned decision of the government filed before the authorities concerned.

3. In view of the above, we are of the opinion that the proper forum in this case to examine the matter in greater details will be the authorities themselves and accordingly, the order to be passed in this case will be to issue suitable direction on the respondents.



4. For the reasons given above, the application is disposed of at the stage of admission itself with the direction that the respondents shall treat the instant application as a representation filed by the applicants and they shall dispose it of as per rules keeping in view the contentions made by the applicants therein, specially, the allegation that the increase has been made exorbitantly, within a period of 3 (three) months from the date of communication of this order. In deciding the representation, we further direct that the respondents shall also take into account the charges levied by other departments/agencies in the neighbouring area. We further direct <sup>that</sup> the respondents shall not realise the said charges for the purpose of making recovery giving such orders a retrospective effect. We give liberty to applicants to approach this Tribunal if they still feel aggrieved by the order to be passed by the respondents. We make no order as to costs.

*Pariyosh*  
(P. Dutta)  
Member (J)

*B.C. Sarma*  
(B.C. Sarma)  
Member (A)

crd/