

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.0A 583 of 1996

Date of order : 22.11.04

Present : Hon'ble Mr.Mukesh Kumar Gupta, Judicial Member
Hon'ble Mr.M.K.Mishra, Administrative Member

BHAJAN CH. GANGULY

VS.

UNION OF INDIA & ORS.

For the applicant : Mr.S.Bhattacharyya, counsel

For the respondents: None

O R D E R (O R A L)

Mukesh Kumar Gupta, J.M.

By the present application, the applicants, three in number, seek quashing of order dated 31.1.95 as well as 12.5.95 being illegal, ultra-vires and void and not binding on them. They also seek declaration that the aforesaid orders issued by the respondents were not applicable to them.

2. The facts as stated are that this Tribunal vide order and judgment dated 30.10.87 (Annexure 'E') passed in TA 1361 of 1986 and TA 1248 of 1986 quashed and set aside the respondents' order dated 7.1.83 and 6.1.84 issued by the authorities of the Gun & Shell Factory, Cossipore, so far as the petitioners, i.e. Grinders in the said case are concerned. Similarly creation of new Grade/Post of Grinders Special - Highly Skilled in the pay scale of Rs.380-560/vide Office Order dated 25.1.80, were also struck down. The aforesaid order and judgment dated 30.11.87 was recalled by this Tribunal in RA 74/91 decided on 6.1.97 and the said TAs were dismissed. The Union of India had already filed SLPs against the judgment and order dated 30.11.87, which were converted into Civil Appeal No.4944-4960 of 1997. In view of the order recorded in the aforesaid Review Application, the said Civil Appeals were allowed and the impugned order dated 9.6.93 was also set aside. The applicants stated that during the inter regnum, the applicants in the aforesaid cases were in receipt of the benefits, which had not been extended to them and therefore they claim that they were entitled to the said benefits, which were denied to

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them. Vide order dated 31.1.95, the applicants who were promoted and upgraded in terms of order dated 26.11.93, were reverted and their promotion was cancelled. It is seen from the orders that applicants herein were promoted/upgraded, pursuant to order passed by this Tribunal on 9.6.93 in OAs 506/89, OA 780/91 and OA 781/91.

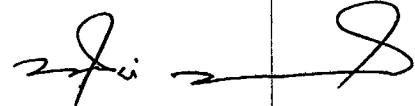
3. We have heard the ld.counsel for the applicant and perused the pleadings. It is the admitted case of the parties that the order and judgment dated 30.10.87 which was the basis for passing order at 9.6.93 while allowing OAs No.506/89, 780 & 781/91, which in turn became the basis of their promotion/upgradation later on had been set aside and recalled in the aforesated RA decided on 6.1.97 which in turn has been taken note by the Hon'ble Supreme Court in aforesated Civil Appeals. That being the fact, we do not see any justification in the applicants' claim that they would be entitled to retain the said benefit, as some other persons have been allowed the benefits. Mistake cannot be perpetuated, is well settled law.

4. In view of the above the present application has no merits and accordingly it is dismissed. No order as to costs.



MEMBER(A)

in



MEMBER(J)