

D/P

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

Original Application No. 06/2008

Date of order: 11.01.2008

**Hon'ble Mr. Justice A.K. Yog, Member (J)
Hon'ble Mr. R.R. Bhandari, Member (A)**

1. Rich Pal Singh S/o Shri Indra Singhji, aged about 57 years, working as Jamadar, r/o Plot No. 423, B.J.S. Colony, Jodhpur.
2. Loona Ram S/o Shri Narayan Ramji, aged about 42 years, working as Jamadar, r/o Village Banad, Post Banad, Jodhpur.
3. Kumbha Ram S/o Shri Moti Ram, aged about 39 years, working as Jamadar, r/o Village Charni Jhadu, District Shergarh.
4. Ramesh Lakhani S/o Shri Chetan Ramji, aged about 38 years, working as Jamadar, r/o Meghwansi Mohalla, Marusia, Jodhpur.
5. Ansar Mohd. S/o late Shri Ahsan Khan, aged about 43 years, working as Daftari, r/o Udai Mandir, Aasan Bamba Mohalla, Jodhpur.
6. Rajendra Singh S/o late Shri Gordhan Singhji, aged about 44 years, working as Daftari, r/o E/118, Rameshwar Nagar, Basni-I, Jodhpur.
7. Mishra Ram Boss S/o Shri Sanga Ram, aged about 42 years, working as Daftari, r/o Paota - B Road, Jodhpur.
8. Mahipal Singh S/o Shri Govind Singhji, aged about 35 years, working as Peon, r/o Jagdamba Colony, behind Mahesh Hostel, Bombay Motors, Jodhpur.
9. Ramesh Kumar Nayak S/o Shri Pukha Ramji, aged about 38 years, working as Peon, r/o 4-sa-8, Madhuban Housing Board, Jodhpur.
10. Mohd. Talib S/o late Shri Khusheed Alipi, aged about 37 years, working as Peon, r/o Ship House, Shiv Mandir Gali, Jodhpur.
11. Jethu Singh S/o late Shri Ram Chandraji, aged about 41 years, working as Peon, r/o H.No. 107, Nehru Colony, Bangi Khana, Jodhpur.
12. Ganpat Dan S/o late Shridan ji, aged about 40 years, working as Peon, r/o 69, New B.J.S. Colony, Jodhpur.
13. Indrajeet S/o Shri Ishwar Chandji, aged about 31 years, working as Peon, r/o H.No. 729 AFRI Colony, II Phase Basni, Jodhpur.
14. Mangi Lal Gaur S/o late Shri Kheta Ramji, aged about 43 years, working as Peon r/o in front of Birla School, Jodhpur.
15. Chandu Lal s/o Shri Ramlal ji, aged about 44 years, working as Peon, r/o Housing Board, Jodhpur.
16. Taga Ram S/o Shri Chatura Ram, aged about 36 years, working as Peon, r/o H.No. 23/7 Sector Musurim Extn Yojna, New Power House, Jodhpur.
17. Chandra Bhan S/o Shri Buddhi Ramji, aged about 46 years, working as Peon, r/o New Loco Colony, Jodhpur.



18. Smt. Sunita Kanwar D/o Shri Sumer Singhji, aged about 30 years, working as Peon, r/o B.J.S. Colony, Jodhpur.

19. Bhimu S/o late Shri Mool Chandji, aged about 37 years, working as Mali, r/o Aakhalia Choraha, Bangali Colony, Jodhpur.

20. Ashok Teji S/o late Shri Haridasji, aged about 40 years, working as Co-assistant, r/o behind Bhadwasia Ice Factory, Jodhpur.

21. Sohan Lal S/o late Shri Madan Lalji, aged about 46 years, working as Co-Assistant, r/o Kaga Colony, Jodhpur.

22. Liyakat Khan S/o Late Shri Salawat Khan, aged about 36 years, working as Watchman, r/o Ramzan ji Ka Hattha, Banad Road, Jodhpur.

23. Harish Chandra S/o Shri Kundan Lal, aged about 26 years, working as Watchman, r/o Ship House, Shiv Mandir Gali, Jodhpur.

(Withdrawn - vide Court order dated 11.01.2008)

24. Dinesh Tak S/o late Shri Mohan Lal, aged about 34 years, working as Staff Car Driver, r/o H.No. 3, Raika Bag, Jodhpur.

25. Naresh Kumar Pargi S/o Shri Surya Shankarji, aged about 38 years, working as Staff Car Driver, r/o AFRI Quarter H. No. 1/9, Jodhpur.

26. Babu Giri S/o late Shri Shaitan Giri, aged about 40 years, working as Gesnater Operator, r/o Plot No. 6, Vidya Nagar, Jodhpur.

S.No. 1 to 26 are presently working in the office of C.A.T., Jodhpur Bench, Jodhpur.

:Applicants.

By Advocate – Shri Manoj Bhandari.

VERSUS



1. The Union of India through the Secretary, Ministry of Personnel, Public Grievances & Pension, Department of Personnel and Training i.e. DOPT, South Block, New Delhi.

2. The Central Administrative Tribunal, Principal Bench, New Delhi through its Registrar.

3. The Central Administrative Tribunal, Jodhpur Bench, Jodhpur, through its Registrar.

... Respondents.

(Signature)

ORDER**Justice A.K. Yog, Member (J)**

D.G

Shri Manoj Bhandari, advocate for the applicants, states that applicant No. 23 (Harish Chandra S/o Shri Kundan Lal) does not want to join this O.A. as he had signed under misconception of facts.

In view of above, Harish Chandra, impleaded as **Applicant No. 23, is allowed to withdraw from the O.A.**

Heard learned counsel for the applicants on the admission of this O.A. 06/2008 along with M.A. No. 07/2008 (praying for maintaining joint petition by the applicants at the instance of the applicants - Rich Pal Singh and Ors.)

All the applicants are class IV employees of C.A.T., Jodhpur Bench, Jodhpur and by means of this O.A., seek redressal of their grievance caused by denial of dress for winter session said to be due once in two years. Vide impugned order dated 18/19.12.2007 (Annexure A/1 to the O.A.), the Registrar of this Bench has rejected the representation of the applicants dated 17.12.2007 claiming for winter dress – in the year 2007 (Annexure A/4 to the O.A.).



Vide our order dated 10.01.2008 directed the case to be listed today to enable the applicants to place relevant Govt. order, circular, notification, etc.

b/w

Considering the nature of this case, learned counsel also expressed that the applicants intend to approach Registrar / Hon'ble Vice Chairman to consider the matter afresh sympathetically, apart from the legal infirmities in the impugned order of the Registrar.

When case taken up today, learned counsel for the applicants pointed out that representation addressed to the Registrar, C.A.T., Jodhpur Bench, Jodhpur (with an advance copy to the Hon'ble Vice Chairman) has been submitted on 10.01.2008 – which bears receipt-endorsement of the P.A. to Registrar. Its photo copy also placed for our perusal.

Learned counsel for the applicants submits that the Registrar had no jurisdiction to reject entitlement of 'Dress' allowed by the Central Government and otherwise not barred in law, and that Hon'ble Vice Chairman may consider the matter and take 'decision' thereof. Reasons contained in the impugned order (passed by the Registrar) have also been assailed on various grounds.



In view of the fact that applicants have already filed representation (referred to above), and no decision by the Hon'ble Vice Chairman, ^{is available or} ~~has been~~ communicated to the applicants, it is expedient that grievance of the Applicants be considered by the Hon'ble Vice Chairman and accordingly we request the Hon'ble Vice Chairman, C.A.T., Jodhpur Bench, Jodhpur, to consider and decide, as early as possible, the

representation of the Applicants in accordance with law. We also clarify that we have not touched 'merit/s' of the O.A.

The impugned order dated 18/19.12.2007 (Annexure A/1 to O.A.) shall be subject to the order passed by Hon'ble Vice Chairman on the representation of the Applicants, as indicated above.

The O.A. is disposed of at this stage, with a direction to the Registrar, C.A.T., Jodhpur Bench, to place file (with this order) before the Hon'ble Vice Chairman, C.A.T., Jodhpur Bench, Jodhpur, today.



R.R. Bhandari
[R.R. Bhandari]
Member (A)

A.K. Yog
[A.K. Yog]
Member (J)

nlk

Part II and III destroyed
in my presence on 01/12/14
under the supervision of
Section Officer (J) as per
order dated 19/8/14

Section Officer (Record)

R/C
Rajiv Chawla
15/1/08

No. 026003
Date: - 15/1/08