

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. OA 798 of 97

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman  
Hon'ble Mr. B.C. Sarma, Administrative Member

SUSHIL KR. ROY & ORS.

VS

UNION OF INDIA & ORS.

For the applicants : Mr. P. Mukherjee, counsel  
Mr. T. K. Majumdar, counsel

For the respondents : Ms. K. Banerjee, counsel

Heard on : 28.1.98

Order on : 28.1.98

O R D E R

B.C. Sarma, A.M.

14 petitioners have jointly filed this application being aggrieved by the order passed by the Army Headquarters rejecting their representation dated 29.3.97 <sup>wherein it</sup> ~~alleges~~ the prayer of the applicants for extending the benefit of judgment and order dated 19.10.95 of Guwahati Bench in OA 158 of 94 as set out in Annexure 'B' to the application. <sup>was made</sup> The applicants contended that they are similarly circumstanced as the applicants of OA 158 of 94 and they have been functioning as "Tailor" which has been categorised by Army Headquarter. <sup>on some skill</sup> On being aggrieved by such action the application was filed by their counterparts in the Guwahati Bench and by the said order of the Guwahati Bench the respondents were directed as follows :

"We direct the respondents to take effective steps for obtaining the sanction of the President and concurrence of the concerned Ministries of the Government of India to declare the applicants in the Tailor grade as "skilled workers" and to grant them thereafter subject to the sanction, the skilled grade w.e.f. 9.11.84 as prayed by them on the conditions contained in the Government letter dated 15.10.84 as modified by the decision of the Government of India contained in the letter dated 19.3.93.....".

2. The applicants contended that while the said benefits have been given to the applicants in the OA 158 of 94 by the Guwahati Bench their representations has been turned down as per Annexure 'E' to the application and hence the application.

3. The case is ~~opposed~~<sup>a</sup> by the respondents by filing the reply. The stand taken by the respondents is that based on the judgment of Guwahati Bench dated 19.10.95 the applicants to the instant OA made representation to the authorities and the matter was taken up with the departmental higher authorities at Army Headquarter, New Delhi and in succession with the Ministry of Defence, Govt. of India. But their appeal was rejected by the authorities concerned on the plea that the CAT Guwahati Bench judgment/order dated 19.10.95 was only for 17 petitioners of 222 A80D and not uniformly for all the Tailor trades of AOC and ordered to maintain their statusquo. They have therefore prayed for rejection of the application being devoid of merit.

4. When the matter was taken up today Ms.K.Banerjee, counsel for the respondents submits that against the order of CAT Guwahati Bench, an SLP was filed by Union of India and she also submits that the matter is under consideration. This is, however, contested by the ld. counsel for the applicants to <sup>by submitting</sup> the effect that the applicants have made categorical averments in para 4(o) to the application to the effect that although the SLP was filed it has been dismissed by the Hon'ble Supreme Court. The ld. counsel for the applicants also submitted that in the reply in para 11 the respondents have stated that the contention made by the applicants in para 4(0) of the application is substantially correct. Therefore in view of the above position the ld. counsel for the applicants submits that Ms.Banerjee's contention cannot be sustained.

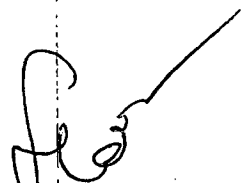


5. We have carefully heard the submissions of both the parties and perused the records and considered the facts and circumstances of the case. That the applicants are similarly circumstances is not been disputed by the respondents. Moreover, we find from the reply filed by the respondents that there was categorical averment on their part that the SLP filed against the judgment passed by the CAT Guwahati Bench was dismissed by the Hon'ble Apex Court. Even today the ld. counsel for the respondents could not produce before us or make any submission that the judgment was stayed at any time by the order <sup>of the Hon'ble Apex Court</sup> by which the SLP was dismissed. This being the position we are clearly of the view that although Union of India filed an SLP against the judgment of CAT Guwahati Bench that SLP was rejected and by such judgment the order of CAT Guwahati Bench has merged with the order of Hon'ble Supreme Court and as such, such order is binding on the parties.

6. In view of the above the application is allowed. The respondents are directed to declare as was done on the basis of the order of the CAT Guwahati Bench to the effect that the instant applicants are of the skilled category trade and accordingly they shall be given the benefit within 3 months from the date of communication of this order at par with the benefit given to the applicants of OA 158 of 94 of CAT Guwahati Bench. No order as to costs.



MEMBER (A)



VICE-CHAIRMAN