

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 614/87

Transfer Application No:

DATE OF DECISION 2.6.1993

Shri Baban Baburao Kawade & Ors. Petitioner

Shri B.Ranganathan. Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri V.S.Masurkar. Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,

The Hon'ble Shri Ms. Usha Savara, Member(A).

1. Whether Reporters of local papers may be allowed to see the Judgement ? *yes*
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ? *no*
4. Whether it needs to be circulated to other Benches of the Tribunal ?


(M.S.DESHPANDE)
VICE-CHAIRMAN.

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

B O M B A Y .

Original Application No. 614/87.

Shri Baban Baburao Kawade & Ors. Applicants.

v/s.

Union of India & Ors. Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,
Hon'ble Ms. Usha Savara, Member (A).

Appearances:-

Applicants by Shri B.Ranganathan.
Respondents by Shri V.S.Masurkar.

Oral Judgment:-

¶Per Shri M.S.Deshpande, Vice-Chairman Dt. 2.6.1993

Applicants by Shri B.Ranganathan and Respondents by Shri V.S.Masurkar. After hearing the learned counsels for some time we find that the prayers made in this Original Application ~~are~~ substantially the same as were made in Writ Petition No.989/84 before the Bombay High Court. That petition was dismissed by the learned Single Judge of the High Court and when the matter came up before the Division Bench in appeal No.737/84, the appeal was withdrawn. It would not therefore be permissible for the applicants to ask for the same relief in the present Original Application. However, the confusion which has been created can best be avoided if the nature of the duties performed by the Assistants I, II, IV and V in the Assay Department are clarified. We cannot direct in view of the earlier Judgment that the nature of the duties should be classified, but we have before us the statement in para 19 of the reply filed by the Respondents before the High Court in which it is stated as follows:

"With reference to para 9(ii) of the application under reply, these respondents state that the applicants are carrying out duties of routine help involving some basic operations, such as

dissolution filtration etc. nobody on earth can make any classification and hence it is not true that there is no question of any nexus.

However, on hearing the learned counsels we find that it would be possible to clarify what are the nature of the duties to be performed by the persons working as Assistants I, II, IV and V. Shri Masurkar for the respondents states that this can be done within four months.

2. We therefore, only direct the respondents to give the necessary clarification within four months to obviate further confusion. With this direction, the Original Application is disposed of. No order as to costs.

Usha Savara
(USHA SAVARA) 2. 6. 93
MEMBER (A)

M. S. Deshpande
(M. S. DESHPANDE)
VICE-CHAIRMAN

B.