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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Stamp Application No.526/89.

All India Association of
Non-Gazetted Officers,
Ordnance Factory,
Bhandara & Another.

... Applicant.

V/s.

The General Manager,
Ordnance Factory, Bhandara
& two others.

... Respondents.

Coram: Hon'ble Member(J), Shri M.B.Mujumdar,
Hon'ble Member(A), Shri M.Y.Priolkar.

Appearance:-

Mr.R.C.Kotiankar, (for
Mr.M.I.Sethna) for the
respondents.

Oral Judgment:-

(Per Shri M.B.Mujumdar, Member(J))

Dated: 16.11.89.

None present for the applicants. Applicant No.1 is All India Association of Non-Gazetted Officers & Allied Inspectorates and Research & Development Establishment, Ordnance Factory Branch, through its Secretary Mr.V.S.Bhatia. Applicant No.2 is Mr.V.S.Bhatia himself in his personal capacity. The applicants have asked for permission to applicant No.1 Association to file this application, but no particulars as required by Rule 4(5)(b) of Central Administrative Tribunals (Procedure) Rules are given. By order dt. 19.9.1989 we had directed the applicants to give these particulars on next date i.e. on 23.10.1989, but the particulars were not given even on 23.10.1989. Hence we repeated our directions and asked the applicants to give the necessary particulars on 16.11.1989 i.e. today. But today nobody has turned up on behalf of the applicants.

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2. However, we have gone through the applications and its accompaniments. The prayers made in the application are these: (1) The deductions made by the respondents towards educational fund from the salary of the applicants are illegal and unconstitutional. The applicants have also prayed for declaring that Respondent No.1 i.e. The General Manager of the Ordnance Factory, Bhandara has no authority to take decision to deduct the amounts from the salaries as per the decision taken in the meeting held on 21.11.1988. (2) To declare that the respondents cannot make any recovery from the salaries of the applicant towards Silver Jubilee Celebrations Contribution without obtaining their express written consent. (3) To require Respondent No.1 to refund the entire amount unauthorisedly collected, at least after submission from the members of the applicant No.1 Association, and (4) Require the respondents to provide schooling facilities for the children of the employees working in the Ordnance Factory at Bhandara.

3. As already pointed out as the necessary particulars required under Rule 4(5)(b) of the Central Administrative Tribunals (Procedure) Rules are not given in spite of our two orders, we are constrained to reject the permission to applicant No.1 association to file this application. However, as applicant No.2 can file this application, we direct that the application be given appropriate original application number.

4. We have just now heard Mr.R.C.Kotiankar (for Mr.M.I.Sethna) learned counsel for the respondents. Mr.Chandran, Dy. General Manager of the Ordnance Factory at Bhandara is also present. Mr.Kotiankar stated that the respondents have stopped making deductions from the salaries of the employees of the Ordnance Factory at Bhandara from October, 1989 towards the educational fund. Hence the first prayer in our view does not survive.

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5. As regards the second prayer Mr. Kotiankar on instructions from Mr. Chandran stated that the respondents have not made any deductions towards Silver Jubilee Celebrations Contribution from the salaries of any employees who took an objection to the deduction. Hence the second prayer has become unnecessary.

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6. As regards the third prayer we direct that if any of the employees of the Ordnance Factory at Bhandara ask, through proper channel, for refund of the amount from their salary towards the educational fund, then the respondents should refund the same. However, this direction about refund will apply to deductions from the salaries from August, 1988 onwards.

7. As regards the fourth prayer we do not think that it is a service matter and hence we cannot give a direction to the respondents to provide schooling facilities to the children of the employees working at Ordnance Factory, Bhandara.

8. In result, subject to the directions given in respect of prayer 3, we reject this application, with no order as to costs.


(M.Y. PRIOLKAR)
MEMBER (A)


(M.B. MITUMDAR)
MEMBER (J).