

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

O.A.NO.346/2001.

THURSDAY, THE 25TH DAY OF JULY, 2002.

Hon'ble Shri Justice Birendra Dikshit, Vice Chairman  
Hon'ble Smt. Shanta Shastry, Member (Administrative).

V.S. Kadam,  
Laskar,  
Kendriya Vidyalaya INS,  
Shivaji, Lonavala, Dist.Pune.  
Residing at Post Kurvanda,  
Tal. Maval, Dist.Pune-410402. .... Applicant.

( By Advocate Shri S.P. Saxena )

Versus

1. Union of India, through  
the Secretary,  
Ministry of Defence,  
DHQ, Post Office,  
New Delhi - 110 011.
2. The Secretary,  
Ministry of Human Resource  
& Development, Govt. of India,  
New Delhi - 110 001.
3. The Commissioner,  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area,  
Shaheed Jeet Singh Road,  
New Delhi - 110 010.
4. The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
I.I.T. Campus, Pawai,  
Bombay - 400 078.
5. The Principal,  
Kendriya Vidyalaya,  
I.N.S. Shivaji,  
Lonavala.
6. The Director General N.C.C.,  
Ministry of Defence,  
West Block - IV,  
R.K. Puram, New Delhi.

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7. The Commander,  
N.C.C. Group HQrs.,  
Senapati Bapat Road,  
Pune - 411 004.

8. The Commanding Officer,  
3rd Maharashtra Naval  
N.C.C. Unit, College of  
Engineering,  
Pune - 411 005.

..Respondents.

( Respondents No.1,6 and 8 by Shri  
R.K. Shetty, and Respondents No.  
2 to 5 by Smt.H.P. Shah ).

Order (Oral)  
Smt.Shanta Shastry, Member (A).

The applicant in this O.A. had approached this Tribunal praying for quashing and setting aside the impugned order dated 28.2.2001 whereby the N.C.C. Unit was closed down on 1.3.2001 and the applicant was directed to report to his Unit and further to hold and declare that the applicant is entitled to continue to work under Respondent No.5 or the N.C.C. authorities and to take the applicant on the strength forthwith and to release the pay and allowances for the months of March and April, 2000. This matter was hanging without any payment to the applicant because of difference of stand taken by the two Ministries of Government viz. Ministry of Human Resource Development and Ministry of Defence. A direction was given finally on 17.10.2001 to the two Ministries to settle the matter between themselves and arrive at a consensus decision.

2. The learned counsel for the respondents Shri R.K. Shetty submits that as per the directions of this Tribunal, the concerned Secretaries of the Ministry of

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Human Resource Development and Ministry of Defence looked into the matter jointly and consensus decision was arrived at, accordingly the respondents have filed affidavit of compliance. It is seen from the statement of affidavit that the applicant has been appointed with effect from 15.7.2002 in the N.C.C. and all the payments were made to the applicant vide certificate dated 23.7.2002. Thus, the relief sought by the applicant has been granted to him and nothing survives in the O.A.

3. Learned Counsel for applicant agrees that the compliance is there.

4. However, we are constrained to note that the applicant had to approach this Tribunal unnecessarily only because of the stand taken by the two Ministries of the same Government being at variance and not settling the issue till a direction was given by this Tribunal. The applicant has thus been unnecessarily harassed, we, therefore, award a cost of Rs.5000/- to be paid by both the Ministry of Human Resource & Development and Ministry of Defence equally to the applicant. The O.A. thus stands disposed of.

Shanta Shastray  
( Smt. Shanta Shastray )

Member (A)

B. Dikshit  
( Birendra Dikshit )  
Vice Chairman.

H.