

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. ~~ST.A.~~ 761 of 1990 198
~~XXXXXX~~ (OA 13/91)

DATE OF DECISION 10-1-1991

M.M.Haridas & 7 others Petitioner

S/S. V.V.Vidwans & S.V.Gole Advocate for the Petitioner(s)

Versus

Chief Postmaster General, Respondent
Maharashtra Circle, Bombay,
& another

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

CORAM

The Hon'ble Mr. D.SURYA RAO, MEMBER (JUDICIAL).

The Hon'ble Mr. P.S.CHAUDHURI, MEMBER (ADMN.).

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Yes

No

D. Surya Rao
(D.SURYA RAO)

P. S. Chaudhuri
(P.S.CHAUDHURI)

(1)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL : NEW BOMBAY,
CIRCUIT BENCH AT NAGPUR

~~Original~~ ^{STAMP} Application No.761 of, 1990 (O.A. 13/91)

Between:-

1. M.M.Haridas
2. V.B.Sadavarte
3. Smt.K.N.Bodhankar
4. G.G.Anantwar
5. T.S.Wankhede
6. Smt.A.V.Pathak
7. N.C.Chandrikapure
8. Smt.P.S.V.Naidu

..

Applicants

and

1. The Chief Postmaster General,
Maharashtra Circle, Fort,
Bombay.
2. The Director of Accounts
(Postal), Civil Lines, Nagpur.

..

Respondents

CORAM:

THE HONOURABLE SHRI D.SURYA RAO, MEMBER(JUDICIAL).
THE HONOURABLE SHRI P.S.CHAUDHURI, MEMBER(ADMN.).

Appearance:

For the Applicants : Shri V.V.Vidwans, Advocate
Shri V.V.Gole, Advocate

For the Respondents : Shri S.V.Natu, Standing Counsel
for P&T

ORAL JUDGEMENT

DATED: 10-1-1991

(AS PER HON'BLE MEMBER (A) SHRI P.S.CHAUDHURI)

1. This application under section 19 of the Administrative Tribunals Act was filed on 17-12-1990. The applicants have also filed an M.P.1027 of 1990 for filing a joint application, which was allowed.

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2. In this application the applicants, who are working as Senior/Junior Accountants in the office of the second respondent, are challenging the orders dated 28-10-1990 and 31-10-1990 issued by respondent No.1 issuing guidelines to deal with the case of House Building Advance and other connected and consequential reliefs.

3. The respondents have opposed the application by filing their written statements.

4. We have heard Shri V.V.Vidwans and Shri S.V.Gole, learned Counsel for the applicants, and Shri S.V.Natu, learned Counsel for the respondents.

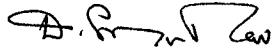
5. During the course of the oral arguments, Mr.Gole clarified that the applicants are aggrieved at the letters dated 3-12-1990 in terms of which it was clarified that their cases for House Building Advance will be given last priority. Shri Natu contended that this was envisaged in terms of the orders dated 3.11.1978 as subsequently amended/clarified dealing with the issue of grant of House Building Advance. Mr.Natu submitted that these instructions had not been followed by the respondents in the past, and when this came to their notice, instructions were issued and that these instructions will be strictly followed in future. It was his submission that as the respondents had committed an error, which they have since corrected, there could be no charge of discrimination against the respondents nor ~~there~~ could be any ^{rights} ~~rules~~ accrued to the applicants by virtue of their admitted error. We see considerable merit in these submissions.


.../...

6. Coming now to the Circular dated 3.11.1978, it lays down 4 priorities in the matter of House Building Advances. The applicants admittedly come in the 4th and last category. Such being the case, they can have no grievance ^{because of} ~~at~~ a letter informing them that they are being dealt with on the last priority. Mr. Gole further contended that the applicants apprehend that other persons, who should also be placed in the 4th priority, are likely to be placed in a higher category by the respondents, thus resulting in funds not being available for meeting the applicants legitimate and prior claims. This is only an apprehension, which, if it materialises at all, will only be after the respondents making payments of House Building Advances. In this view of the matter, this application is premature. Having said this, we are of the view that it would be necessary to give some re-assurance to the applicants by way of a suitable direction to the respondents. We accordingly direct the respondents to make further payments of House Building Advances strictly ~~and~~ in accordance with their instructions as amended/clarified from time to time.

7. Based on this discussion and analysis, we see no merit in this application. It is accordingly summarily rejected under section 19(3) of the Administrative Tribunals Act, 1985, with the direction given above. The applicants are at liberty to approach this Tribunal afresh should they continue to be aggrieved if and when House Building Advances are paid by the respondents. In the circumstances of the case, there will be no order as to costs.

(Dictated in Open Court)


(D. SURYA RAO)
MEMBER (JUDICIAL)


(P. S. CHAUDHURI)
MEMBER (ADMINISTRATION)

DATE: 10-1-1991

(4)

Dated: 25-4-91 : Camp at Nagpur

Applicants by Mr. V.V. Vidwans.
Respondents by Mr. Ramesh Darda.

Mr. Vidwans files a petition submitting that the applicants are not in a position to give the name of ^{any} individual whom they can allege as being guilty of contempt.

In view of this position C.P. (9/91) is rejected as not maintainable.

T. C. N.
(T.C. Reply)
M (J)

P. S. Chandhri
(P.S. Chandhri)
M (A)

order/Judgement despatched
to Applicant/Respondent (s)
on 14.5.91.

6/5/91.