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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY - 400 614

O.A. No.463/91

Ph

^M
H ^X Joshi
Senior Engineer (Design)
Survey & Construction
H J Office
Western Railway, Churchgate
Bombay 400020

M G Vaidya
Executive Engineer (Design)
C.E. Office
Western Railway
H J Office
Churchgate, Bombay 400020

.. Applicants

V/s.

Union of India through
Chief Secretary
Ministry of Railways
Rail Bhavan New Delhi

General Manager
Western Railway
HJ Office
Churchgate; Bombay 20

Financial Advisor & Chief
Accounts Officer
Western Railway
HJ Office; Churchgate
Bombay 20

.. Respondents

CORAM: HON. SHRI P S CHAUDHURI, MEMBER (A)
HON. SHRI T C REDDY, MEMBER (J)

APPEARANCE

Shri M S Ramamurthi
Counsel
for the respondents

ORAL JUDGMENT:
(PER: P S CHAUDHURI, MEMBER(A))

DATED: 16-8-1991

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This application under section 19 of the Administrative Tribunals Act, 1985, was filed on 13.8.1991. In it the applicants are working as Senior Engineer (Design) and Executive Engineer (Design) on Western Railway are challenging the order of the respondents dated 17.7.1991 ~~is~~ withdrawing the incentive to Group B Officers for acquiring higher qualification and recovering excess amounts paid.

(h)

2. After hearing the two applicants, ~~arrived~~ ^{arrayed} in the cause title, we permit these two applicants to file this application as a joint application. We do not permit them to file this in a representative capacity as the procedural requirements, to do so, under Order I, Rule 8, CPC, have not been met.

3. We have heard the applicants and Mr. M S Ramamurthi, Learned counsel for the respondents, who takes notice.

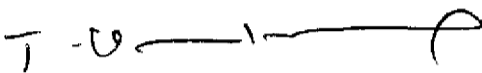
4. As no point of law is involved in deciding this matter and the facts are not in dispute, we admit the application and proceed to decide it.

5. It is not disputed that the first applicant has submitted a representation dated 30.7.91 against the impugned order. It is also not disputed that he has not yet received any final orders in that regard. Of course, six months are yet to elapse since that representation was filed and so the present application is premature in terms of S.20 of the Administrative Tribunals Act, 1985. However, we are of the opinion that the ends of justice would best be met by giving a suitable direction to the respondents when disposing of the application.

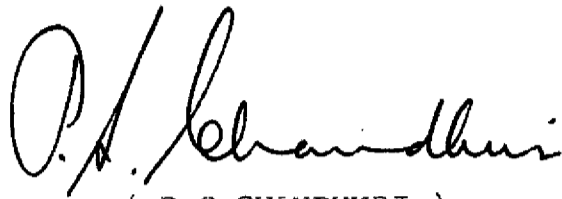
6. We, accordingly direct the respondents to pass final orders on the representation dated 30.7.91 within a period of four months from the date of receipt of a copy of this order. We further direct that no recoveries, as envisaged in the order dated 17.7.91 shall be made from the salaries of the two applicants earlier than 15 days after the reply to the representation dated 30.7.91. If the applicants continue to remain aggrieved after final orders are passed on the representation dated 30.7.91 they are at liberty to approach this Tribunal afresh.

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7. The application is decided in above terms.
In the circumstances of the case there will be no order
as to costs.



(T C REDDY)
MEMBER (J)



(P S CHAUDHURI)
MEMBER(A)