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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH.

Original Application No. 961/92

Transfer Application No. -----

Date of decision 2-7-1993

D.V.Botale & 36 ors.

Petitioners

Mr. S.V. Malvankar

Advocate for the Petitioner

Versus

U.O.I. & Ors.

Respondent

Mr. P.M. Pradhan

Advocate for the Respondent(s)

Coram :

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

The Hon'ble Shri M.Y.Priolkar, Member(A)

1. Whether the 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 ?

M


(M.S.DESHPANDE)
VC

(15)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.961/92

D.V.Botale & 36 Ors.,
C/o. S.V.Malvankar,
Advocate,
3, Maheshwar Socy.,
Phirojshah Mehta Road,
Vile Parle(E),
Bombay - 400 057.

.. Applicant

-versus-

Union of India and
Four others.

.. Respondents

Coram: Hon'ble Shri Justice M.S.Deshpande
Vice-Chairman.

Hon'ble Shri M.Y.Priolkar,
Member(A)

Appearances:

1. Mr.S.V.Malvankar
Advocate for the
applicant.
2. Mr.P.M.Pradhan
Counsel for the
Respondents.

ORAL JUDGMENT: Date: 2-7-1993
(Per M.S.Deshpande, Vice-Chairman)

The 37 applicants herein seek a declaration that they are entitled to get Daily Allowance during the period of their training to the appointment of higher post including that of ASSTT and to direct the respondents to draw and disburse the amount due to them.

2. The applicants were deputed for training at outstations in September and October, 1989 and in September, 1990 for a period of nine months. Their claim to D.A. was refused by the respondents by pointing out that they are bound by order dt. 16-6-88 (Ex.'Y' to the reply)

...2/-

issued by the Asstt. Director General (TE)
Department of Telecommunication.

3. It is not necessary to refer to the contentions raised by the applicants as the matter is covered by the decision of the Ernakulam Bench of this Tribunal rendered in O.A. Nos. 546/91, 548/91 and 567/91 and the decision of the Principal Bench in O.A. No. 1449/92 Rajkumar Bajaj & 20 Others. vs. Union of India. The only contention Mr. Pradhan raised before us in the context of this decision, was that some of the applicants had applied to the department and their applications are still pending and so far as they are concerned the application would be premature. We are not impressed by this submission because there is no reason why the relief ^{which} can be granted to the applicants whose claims have been denied, which should not be granted to those whose applications are still pending with the department.

4. In view of the decisions to which we have referred above we direct the respondents to pay Daily Allowance to which they would be entitled when they were deputed for the training. This payment should be made within three months from the date of receipt of a copy of this order.


(M.Y. PRIOLKAR)
Member(A)


(M.S. DESHPANDE)
Vice-Chairman