

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 99/92

Transfer Application No: _____

DATE OF DECISION: JULY 27, 1994.

B.A.R.C. Officers Assn. & Others Petitioner

Shri Nesri, Advocate for the Petitioners

Versus

Department Of Atomic Energy, Respondent

Shri V.S. Masurkar, Advocate for the Respondent(s)


Shri Shankarnaryanan, Advocate for Private Respondents.

CORAM :

The Hon'ble Shri B. S. Hegde, Member (J).

The Hon'ble Shri M. R. Kolhatkar, Member (A).

1. To be referred to the Reporter or not ?
2. Whether it needs to be circulated to other Benches of the Tribunal ?


(B. S. HEGDE)
MEMBER (J).

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BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH.

O.A. 99/92.

B.A.R.C. Officers Assn. & Others ... Applicant
Versus
Department Of Atomic Energy ... Respondents.

CORAM :

1. Hon'ble Shri B. S. Hegde, Member (J).
2. Hon'ble Shri M. R. Kolhatkar, Member (A).

APPEARANCES :

1. Shri Nesri,
 Counsel for the Applicant.
2. Shri V. S. Masurkar,
 Counsel for the Respondents.
3. Shri Shankarnarayanan,
 Counsel for Private Respondent.

ORAL JUDGEMENT

DATED : JULY 27, 1994.

¶ Per Hon'ble Shri B. S. Hegde, Member (J) ¶

1. The Learned Counsel for the Applicant draws our attention to the circular issued by the Respondent Department dated 05.12.1990 wherein the various categories of accomodation are listed. Further, he states that the department has changed the allotment rules by stating that in respect of type 'D' residence, allotment hereinafter will be made on the basis of ratio 1:1 based on the date of drawal of pay relevant to type 'D' i.e. Pay Rs. 2,800/- and date of entry into service. Accordingly, two separate seniority lists will be prepared for the allotment year 1991 for consideration of allotment of type 'D' flats. He further submits that prior to the issue of this circular, the length of continuous service was alone taken into consideration but the same has been changed. He also draws our attention to the Office Memorandum issued by

Respondents vide dated 13.07.1994. Since they have formed a Committee to look into the various grievances of the employees and the Committee has been directed to submit a report within a period of three months, therefore, it is appropriate that the Committee may take into account any representation that may be made by an employee or group of employees in this behalf, before taking any decision in the matter.

2. In the light of the above, the Learned Counsel for the Respondents submits that this matter may be dealt with by the Committee comprehensively and thereafter can be disposed of by giving directions to the Respondents to ask the Committee to look into the grievances of the employees.

3. In the circumstances, we are of the view, that no useful purpose will be served by keeping the O.A. pending at this stage, having come to know that the department has already constituted a Committee to go into the matter. Accordingly, we dispose of the O.A. with a direction to the Respondents to take a final decision on the basis of the recommendations furnished by the Committee within a period of three months from the date of receipt of Committee's recommendations. However, the applicants are at liberty to approach this Tribunal, if their grievances are not met by the Committee or department, as they deem fit.

4. The Learned Counsel for the Applicant raised an objection that since he is challenging the vires of the existing rules, this case may be heard by giving priority. However, we find that such priority is not required to be given under the circumstances.

5. The O.A. is disposed of with the above directions but no order as to cost.

M R Kolhatkar

(M. R. KOLHATKAR)
MEMBER (A)

B S Hegde

(B. S. HEGDE)
MEMBER (J):

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