

7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 832/93

Date of Decision: 3.8.1999

T.U.Kavekar & Ors.

Applicant.

Shri S.S.Karkera for Sh.M.S.Karnik

Advocate for
Applicant.

Versus

Union of India & Ors.

Respondent(s)

Shri Ravi Shetty for Shri R.K.Shetty

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. D.S.Bawej, Member (A)

Hon'ble Shri. S.L.Jain, Member (J)

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

D.S.BAWEJA
MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

8

DA NO. 832/93

Tuesday this the 3rd day of August, 1999

CORAM : Hon'ble Shri D.S.Bawej, Member (A)
Hon'ble Shri S.L.Jain, Member (J)

1. Tulshiram Uddhav Kavekar
2. Mohan Uddhav Kavekat
3. Ashok Keshav Varnade
4. S.S.Tambe

All residing at C/o. Rekha Dasare,
Advocate, 6586 Laxmi Karanja,
Ahmednagar.

... Applicants

By Advocate Shri S.S.Karkera
for Shri M.S.Karnik

V/S.

1. Union of India through
the Secretary,
Ministry of Defence,
South Block, New Delhi.

2. Chief of Army Staff,
Army Headquarters,
New Delhi.

3. Commandant, Armoured Corps
Centre and School,
Ahmednagar.

... Respondents

By Advocate Shri Ravi Shetty
for Shri R.K.Shetty

ORDER (ORAL)

(Per: Shri D.S.Bawej, Member (A))

This application has been filed jointly
by 4 applicants who are working in the Printing
Press of the Armoured Corps Centre and School at
Ahmednagar. The applicants are claiming the relief

8

of directing the respondents to grant the applicants the scale of pay as applicable to the permanent employees from the date of their initial appointment with consequential benefits.

2. The respondents have filed written statement opposing the application.

3. The applicants have not filed any rejoinder reply for the written statement.

4. Heard Shri S.S.Karkera on behalf of Shri M.S.Karnik for the applicant and Shri Ravi Shetty on behalf of Shri R.K.Shetty for the respondents.

5. The learned counsel for the respondents argued that the applicants are working in the Printing Press which is financed by the regimental funds and therefore the matter is beyond the jurisdiction of the Tribunal. He further brought out that this issue has been already examined in the recent order dated 24.6.1999 in OA.NO. 251/94 of this Bench, wherein it is held that the staff working in the Printing Press of the Armoured Corps Centre and School at Ahmednagar is financed by the regimental funds and therefore the staff of such organisation cannot agitate the matter before the Tribunal. This view has been taken in this OA, based on the judgement of the

10

Hon'ble Supreme Court in the case of Union
of India & Anr. vs. Chotelal & Ors., 1998(6)

SCALE 515. In view of what is held in OA.NO.
we are of the view that
251/94, the OA. is not maintainable before the
Tribunal. The learned counsel for the applicant
fairly conceded ^{this} but however makes a prayer that
liberty may be granted to agitate the matter before the
appropriate forum.

6. In view of the above, the OA. is
dismissed for want of jurisdiction. Liberty
is granted to the applicants to agitate the matter
before appropriate forum if provided and if so
advised. No order as to costs.

SLJ

(S.L.JAIN)
MEMBER (J)

D.S.BAWEJA

MEMBER (A)

mrj.