

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:1247/95

DATE OF DECISION: 7.7.2000

Shri Ahit Singh and 11 ors. Applicant.

Shri S. Marne for Shri D.V. Gangal Advocate for  
Applicant.

Versus

The Chairman, Ordnance Factory Board and ors. Respondents.

Shri R.R. Shetty for Shri R.K. Shetty Advocate for  
Respondents

**CORAM**

Hon'ble Shri B.N.Bahadur, 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?

(3) Library.

*B Bahadur*  
No  
(B.N.Bahadur)  
Member (A)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 1247/95

FRIDAY the 7th day of JULY 2000

CORAM: Hon'ble Shri B.N.Bahadur, Member (A)

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

1. Shri Ajitsingh  
T.No.MA-12/108,  
residing at 'J'  
12/6, Ordnance Estate  
Ambarnath, Tal.  
Ulhasnagar, Dist. Thane.
2. Shri R. Chittam,  
T.No.MA-12/17,  
resinging at H-48/3,  
Ordnance Estate,  
Ambarnath, Tal.  
Ulhasnagar, Dist. Thane.
3. Shri K.R. Gaikwad,  
T.No.T.R./46,  
residing at R.No. 62,  
Ward No.2, Buddha Wada,  
P.O. Kudgaon,  
Tal. Ulhasnagar,  
Dist. Thane.
4. Shri K.Raman  
residing at House No.629,  
Ward No.22, Swami Nagar,  
Ambarnath, Dist. Thana.
5. Shri R.V. Bhoir  
Residing at Dayali Sadan  
Nair-Shree Ram Cinema  
Shivaji Colony,  
Vithalwadi (E)
6. Shri A.K. Yanadi  
C/o K.R. Gaikwad,  
R.No. 62,Ordnance Estate,  
Ambarnath.
7. Shri D.R. Lasure,  
residing at  
Qtr.No. J-21/11  
Ordnance Estate,Ambarnath.
8. Shri N.B. Pillai  
Permanently residing at  
Sree Bhavan  
Cuerummodu Vellimon,  
P.O.via Kundara, Dist.  
Quillon, Kerala at  
Present at Ambarnath.

  
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9. Shri Mulinigam since deceased through his legal heir Mrs. Jagdamma Mulinigan (Widow) C/o K.R. Gaikwad, R.No.62, Ordnance Estate, Ambarnath.
10. Shri L.A. Musamade, Since deceased through his legal heir Shri R.L. Musamade (son) C/o K.R. Gaikwad R.No. 62, Ordnance Estate, Ambarnath.
11. Shnri Mehbub Rehman, C/o K.R. Gaikwad R.No. 62, Ordnance Estate, Ambarnath.
12. Shri Niyazali G. Kadri C/o K.R. Gaikwad R.No. 62, Ordnance Factory, Ambarnath.

...Applicants.

By Advocate Shri S. Marne for Shri D.V. Gangal.

v/s

1. The Chairman  
Ordnance Factory Board  
10, Auckland Road,  
Calcutta.
2. The Dy. General Manager,  
Machine tool Pototype  
Factory, Ambarnath,  
Dist. Thane.

...Respondents.

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

ORDER (ORAL)

{Per Shri B.N.Bahadur,Member (A)}

This application is filed by Shri Ajit Singh and 11 others. The applicants are seeking the relief, in substance as follows:

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The applicants, therefore, pray:

(a) Hold and declare that the benefit of judgement in TA No. 1361/86 and T.A. No.1248/86 decided on 30.10.1987 by Calcutta Bench of this Tribunal is binding upon the Respondents and that the said benefits should be granted

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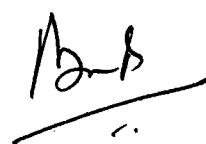
to the applicants and which relief is already granted in OA No. 555/90 on 3rd July, 1992.

(b) Monetary benefits for applicants No.1 to 12.

(c) Grant fixation of pay scales, arrears and fix the seniority of the applicants in the light of the aforesaid judgements."

2. We have heard the learned counsel for the applicant Shri S. Marne for Shri D.V. Gangal and Shri Shri R.R. Shetty for Shri R.K. Shetty counsel for the respondents.

3. The matter is now in a short compass. In the first place, the substantial prayer is that the benefits of judgement in TA 1361/86 and TA 1248/86, decided on 30.10.1987 by Calcutta Bench of this Tribunal, should be provided to the applicants. Now, as pointed out by the learned Counsel for the respondents, Shri Shetty, on the basis of the relevant copies of the order on record it is seen that the aforesaid orders of Calcutta Bench of this Tribunal, on the basis of which the benefits are claimed has been reviewed by the same Bench on 6.1.97. <sup>151/1</sup> It is also seen that this review has come about because the issue had been gone to the Hon'ble Supreme Court, separately. The Hon'ble Apex Court ordered that the earlier review application which was disposed of on technical grounds should be heard again. It was as a consequence of this that the order in review application dated 6.1.1997 was made. The result of the above Review is that the benefit accorded in the original order on TA 1361/86 and TA 1248/86 are no longer available and the orders are no longer operative. Therefore the claim for reliefs on the basis of orders in these two applications does not survive.



4. The learned counsel for the applicant Shri Marne states that in the face of the above position he has nothing to say.

5. Accordingly this OA has to be dismissed and is hereby dismissed. No order as to costs.

*SLJ*  
(S.L.JAIN)

Member (J)

*Bn Bahadur*

(B.N.Bahadur)  
Member (J)

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