

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 249/95

Transfer Application No:

20.3.1995
DATE OF DECISION:

Shri K.L.Sharma & Ors.

Petitioner

Shri G.S.Walia

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Shri V.S.Masurkar

Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Shri P.P.Srivastava, Member (A)

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

(P.P.SRIVASTAVA)
MEMBER (A)

(M.S.DESHPANDE)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

DA.NO. 249/95

(21)

Shri K.L.Sharma & Ors.

... Applicants

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Shri P.P.Srivastava

Appearance

Shri G.S.Walia
Advocate
for the Applicants

Shri V.S.Masurkar
Advocate
for the Respondents

ORAL JUDGEMENT

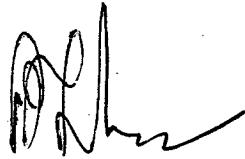
Dated: 20.3.1995

(PER: M.S.Deshpande, Vice Chairman)

Shri Walia states that the present application is a representative application and that a general direction to follow the principles laid down by the Supreme Court in R.K.Sabharwal's case should be issued, (R.K.Sabharwal & Ors. vs. State of Punjab and Ors. JT 1995 (2) S.C. 351). In fact what is being sought is a direction on facts. The judgement in question is to operate prospectively. We have before us 8 applicants who were working in different capacity under different Divisions of the Railways and it will be embarrassing for the respondents to meet with the cases of such disparate workers in a single petition. Since now the principle is well established in R.K.Sabharwal's case, it will be open to the applicants to file separate petitions if there is any infraction of their rights in the light of the principles laid down by the Supreme Court. Since the facts necessary for deciding such disparate cases have not been stated, we do not think that any further

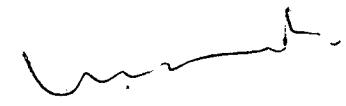
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directions are necessary except the observation that respondents shall have to consider the cases of the applicants in the light of the principles laid down in Sabharwal's case and if it is not done, liberty to the applicant to approach the Tribunal by separate petitions. With these directions the OA. is disposed of.



(P.P. SRIVASTAVA)

MEMBER (A)



(M.S. DESHPANDE)

VICE CHAIRMAN

Mrj.