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CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A.No. 299/95 and 1152/95.

Date of Decision 22.1.1997

Bharatiya Pratimaksha Mazdoor  
Sangh & Ors.

Petitioner

Advocate for the Petitioner.

Versus

Union of India & Ors.

Respondent

Shri R.K.Shetty.

Advocate for the Respondents.

Coram:

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

The Hon'ble Mr.

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

M.R.Kolhatkar

(M.R.KOLHATKAR)  
MEMBER(A).

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

MUMBAI BENCH, MUMBAI.

1. Original Application No.299/95.
2. Original Application No.1152/95.

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

1. Original Application No.299/95.

1. Bharatiya Pratiraksha Mazdoor  
Sangh through its General  
Secretary Shri Anil Muley.

2. A.N.Fanse,  
Atr.No.P 24/C28.

3. R.L.Bhise,  
Qtr.No.P3 Y/A3.

4. M.F.Gosavi,  
Qtr. No.P15/B33.

5. D.F.Mali,  
Qtr. P20/C75.

6. B.L.Rokade,  
Qtr. No.P17/B25.

7. M.V.Salunke,  
Qtr. No.P13/B2.

8. C.D.Ghungurde,  
Qtr. No.P18/C99.

9. P.J.Mahamuni,  
Qtr. No.P21/C64.

10. S.M.Hiremath,  
Qtr.No.P16/B8.

11. N.M.Peerzade,  
Qtr.No.P26/C7.

12. R.P.Nadgowda,  
Qtr.No.P17/B24.

13. B.N.Chavan,  
Qtr.No.P17/B26.

14. T.A.Memane,  
Qtr.No.P20/C77.

15. M.A.Kulkarni,  
Qtr.No.P15/B31.

16. B.D.Baragellu,  
Qtr.No.P17/B23.

17. D.A.Shivdas,  
Qtr.No.P26/C9 & P15/B27.

18. V.S.Bhatt,  
Qtr.No.P14/B18.

19. R.H.Thoppe,  
Qtr.No.P15/B27 & P16/B8.

20. I.G.Dange,  
Qtr.No.P16/B12.

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21. C.K.Radhakrishnan,  
Qtr.No.P22/C59.
22. E.N.Devare,  
Qtr.No.P13/B1.
23. R.S.Bhosale,  
Qtr.No.P20/C80
24. M.R.Khuntale,  
Qtr.No.P15/B32.
25. A.D.Sajagure,  
Qtr.No.T14/B16,
26. K.B.Gaikwad,  
Qtr.No.P16
27. A.G.Inamdar,  
Qtr.No.P25/C18.
28. J.B.Kulkarni,  
Qtr.No.P25/C26.
29. S.G.Mulay,  
Qtr.No.P24/C30.
30. S.Y.Sonkusare,  
Qtr.No.P22/C56.
31. L.K.Ware,  
Qtr.No.P3/A8.
32. R.D.Pawaskar,  
Qtr.No.P3/A7.
33. Bhagwathnath,  
Qtr.No.P3/A5.
34. S.P.Gore,  
Qtr.No.P4/A11.
35. C.B.Kamble,  
Qtr.No.P3/A2.
36. Kesnarayan,  
Qtr.No.P3/A4.
37. M.B.Gurug,  
Qtr.No.P4/A10.
38. D.Y.Mali,  
Qtr.No.P25/C17.
39. A.M.Tamboli,  
Qtr.No.P25/C15.
40. S.G.Kallurkar,  
Qtr.No.P15/B28.
41. D.V.Gholap,  
Qtr.No.P22/C58.
42. S.N.Sawalkar,  
Qtr.No.P23/C46.
43. C.G.Gawari,  
Qtr.No.P14/B12.

Office of Bharatiya Mazdoor Sangh,  
Vishwa Karma Bhavan,  
185, Shanwar Peth,  
Pune - 411 030.

... Applicants.

V/s.

1. Union of India  
Through The Secretary,  
Ministry of Defence,  
Raksha Bhavan,  
New Delhi - 110 001.

(M)

2. The Controller,  
C.Q.A.E.,  
Aundh Camp,  
Pune - 411 027.
3. The Commandant,  
Station Headquarters,  
Khadki,  
Pune - 411 003.
4. Garrison Engineer,  
O/O Garrison Engineer,  
C.M.E.  
Khadki, Phugewadi,  
Pune - 411 012.
5. The Chief Engineer,  
Pune Zone,  
Manekji Mehata Marg,  
Pune - 411 002. ... Respondents.

(By Advocate Shri R.K.Shetty,C.G.S.C.)

2. Original Application No.1152/95.

1. R.A.Kulkarni,
2. S.Devarajan,
3. A.J.Pawar.
4. Shyam Kishore.
5. A.K.Shrivastava.
6. B.G.Shinde.
7. V.V.Daptardar.
8. A.K.Chandra.
9. J.S.Sangwan.
10. P.C.Jose.
11. N.K.A.Rahiman.
12. Mehboob Khan.
13. V.L.N.Rao.
14. K.V.K.Pillai.
15. H.C.Sahni.
16. K.Radhakrishnan.
17. S.K.Goswami.
18. J.K.Agarwal.
19. T.M.Latif.
20. B.Chattopadhyay.
21. S.K.Deb.
22. A.S.Thakur.
23. Dr. M.D.Mohapatra,  
C/o Shri R.A.Kulkarni,  
P-19/C-88, CQAE Complex,  
Aundh, Pune 411 027. ... Applicants.

V/s.

1. Union of India  
Through : The Secretary,  
Ministry of Defence,  
Raksha Bhavan,  
New Delhi - 110 001.

(B)

2. Engineer-in-Chief  
Army Headquarters  
Kashmir House,  
New Delhi - 110 011.
3. The Controller,  
C.Q.A.E.  
Aundh Camp,  
Pune - 411 027.
4. The Commandant  
Station Headquarters  
Khadki,  
Pune 411 003.
5. The Controller  
C.Q.A.(F.E.)  
Aundh Camp  
Pune 411 027.
6. Officer-in-Charge  
V.Q.A. (WING)  
Aundh Camp,  
Pune - 411 027.
7. Garrison Engineer,  
O/o. Garrison Engineer  
C.M.E.  
Khadki, Phugewadi,  
Pune - 411 012.
8. The Chief Engineer,  
Pune Zone  
Manekji Mehata Marg,  
Pune - 411 002.
9. The Controller  
C.D.A.  
Southern Command,  
Pune - 411 007.
10. The SQA. C. (EE Wing),  
Aundh Camp,  
Pune - 411 027. ... Respondents.  
(By Advocate Shri R.K.Shetty, C.G.S.C.)

O R D E R (ORAL)

Dt.22.1.1997.

(Per Shri M.R.Kolhatkar, Member (A))

Applicants in both these OAs are employees in various cadres of various organisations of Ministry of Defence functioning at Pune and are allotted Departmental Quarters. Their main grievance is relating to enhancement of electricity and water charges supplied to them by respondents w.e.f. 1.4.1992. The main contention of the applicants is that the enhancement

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in the tariff should be related to sources of supply at the point of supply and should not be based on pool rates as has been done by the respondents  
w.e.f. 1.4.1992.

2. The Respondents had opposed the prayers. The counsel for Respondents had also sought transfer of these OAs to the Principal Bench where/bunch of cases were pending. In fact O.A. No.283/95 has been transferred to Principal Bench. The request for transferring of theses OAs was not accepted.

3. To day, the counsel for the applicant is not present, although he had notice of the date. The counsel for the Respondents points out that the Principal Bench has disposed of a bunch of 30 cases viz.

(1) O.A. No.1309/95 (2) O.A. No.162/96 (3) O.A. No.533/96  
(4) O.A. No. 534/96 (5) O.A. No.535/96 (6) O.A. No.328/96  
(7) O.A. No. 163/96 (8) O.A. No.329/96 (9) O.A. No.559/96  
(10) O.A. No.987/96 (11) O.A.No.421/96 (12) O.A.No.2217/96  
(13)O.A. No.2218/96(14) O.A.No.2219/96(15) O.A.No.2220/96  
(16)O.A. No.2221/96 (17) O.A.No.2222/96(18) O.A.No.2223/96  
(19)O.A. No.2231/96 (20) O.A.No.2240/96(21) O.A.No.2241/96  
(22)O.A.No.2242/96 (23) O.A.No.2243/96(24) O.A.No.2244/96  
(25)O.A.No.2290/96 (26) O.A.No.2291/96(27) O.A.No.2292/96  
(28)O.A.No.2293/96 (29) O.A.No.2294/96(30) O.A.No.2295/96  
by a common Judgment dt. 29.10.1996 which is a Judgment of Division Bench. In that Judgment the Tribunal having noted that the retrospective effect has been withdrawn and the increased rates would be charged from 1994 has taken a view that it is not for Courts or Tribunals to go into the cost)structures or prescribe price line,

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that these are not justiciable matters and that the Government or a public authority as a modal employer, must conform to certain notions accepted in the realms of public administration as to their conduct, the remedies are not judicial and if the applicants are aggrieved, had to take up the matter with the Competent Authority. On this basis the OAs have been dismissed. The Judgment of the Division Bench on an identical issue is binding on me. I am therefore of the view that the issue is no longer res integra and therefore dismiss these O.As. with no order as to costs.

M.R. Kolhatkar

(M.R. KOLHATKAR)  
MEMBER(A).

B.