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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

R.A.Nos. 98/96 in OA. 57/93

R.A.No. 99/96 in OA. 825/93

Date of Order: 5.12.96

BETWEEN:

RA.98/96

1. Union of India rep. by
its Secretary to Govt. of India,
Dept. of Atomic Energy, Mumbai.
2. The Union Secretary to Govt.
of India, Dept. of Atomic Energy,
Anushakti Bhavan, CSM Marg, Mumbai.
3. The Chief Executive,
Nuclear Fuel Complex,
Dept. of Atomic Energy,
ECIL PO, Moula-Ali,
Hyderabad.

.. Applicants/Respondents.

AND

1. Nuclear Fuel Complex (NFC),
Employees Association Rep. by
its General Secretary
Mr. Nageswara Rao.
2. A. Sudershan, Tradesman 'F',
NFC, ECIL PO, Hyderabad.

.. Respondents/Applicants.

R.A.99/96

Between:

1. Union of India, rep. by
its Secretary to Govt. of India,
Dept. of Atomic Energy, Mumbai.
2. The Under Secretary to Govt.
of India, Dept. of Atomic Energy,
Anushakti Bhavan, CSM Marg,
Mumbai.
3. The Dy. Secretary to Govt. of India,
Dept. of Atomic Energy, Anushakti Nagar,
Mumbai.
4. The General Manager,
Heavy Water Plant (Manuguru),
Dept. of Atomic Energy,
Aswapuram P.O., Khammam Dist.

.. Applicants/Respondents.

And

1. Heavy Water Plant (M),
Employees Association,
Manuguru rep. by its
President J. Rajeswara Reddy.
2. M. Venkata Reddy,
HWP, Manuguru.

.. Respondents/Applicants.



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Counsel for the Applicants .. Mr.V.Rajeswara Rao
 Counsel for the Respondents .. Mr.V.Venkateswara Rao

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CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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O R D E R

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Heard Mr.V.Rajeswara Rao, learned counsel for the applicant and Mr.V.Venkateswara, learned counsel for the respondents.

2. The prayer^{are} in both the RAs ~~is~~ same so also the contentions. Hence both the RAs are disposed of by ^{this} a common order.

3. Both the OAs were disposed of by order dt. 15.11.95 and the enhancement of washing allowance was left ~~for~~ ^{to} the consideration by the department of Atomic Energy. However, in para-10 of the judgement the respondents in the OA were restrained from making any recovery if the washing allowance was paid at Rs.50/- p.m. even after 4.11.93. The contention in the present RA is that the recovery is to be effected in view of the office memorandum No. 5/13/87-Adm.II/367, dt. 4.5.93 (A-II of RA) and since this office memorandum was not challenged the question of restraining the respondents from recovering the excess amount paid does not arise. Hence the learned counsel for the applicants in the RA submits that there is an error apparent on the face of the record and hence the judgement needs review.

4. Whether a specific challenge has been made to the office memorandum dt. 4.5.93 ~~is made~~ or not, the Tribunal took notice of the existence of that memorandum and restrained the

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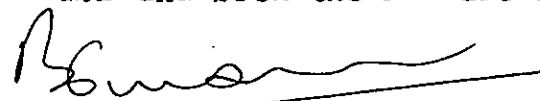
.. 3 ..


recovery as can be seen from para-10 of the judgement. Hence it cannot be said that the Tribunal passed the order ~~re~~ restraining the recovery mechanically without going into the issues involved. The very fact that the recovery was prohibited in view of the reasons stated in para-10 of the judgement it is evident that the Tribunal had taken notice of the existence of the memorandum dt. 4.5.93 and on that basis given the necessary direction.

5. The second contention advanced in this RA is that if the recovery is restrained the employees in NFC located at Hyderabad will gain advantage whereas the same advantage will not be extended to the other branches of DFC located ^{at} Hyderabad. This point was never raised while the issue was ^{deliberated upon} ~~delivered~~. Hence no new point ^{can be} ~~was~~ adjudicated in the RA.

6. ^a The third contention; ~~that~~ the applicant's counsel further submits that similar direction was not given by the Principal Bench and hence ~~in view of~~ this direction by this Bench is not called for. This contention is not at all relevant to the issue. This Bench took the view that it is necessary to restrain the recovery. If the applicants feel otherwise the course left to them is to file an appeal before the appropriate forum for setting aside that direction.

7. In view of what is stated above, we find no merit in these RAs and both the RAs are dismissed. No costs.

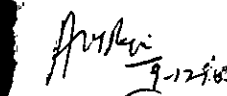

(B.S. JAI PARAMESHWAR)
Member (Judl)


(RANGARAJAN)
Member (Admn.)

Dated: 5th Decemk

(Dictated in Op

sd


J.R. (J)

23/10/96 (38)
Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

The Hon'ble Shri ²B.S. Jai Parameshwar
H.C.

DATED: 5.12.96

ORDER/JUDGEMENT

R.A./C.P./M.A. NO. 98/96 in O A 57/93

in

R.A. NO. 98/96 in O A 825/93

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
^{RA}DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

YLKR

II COURT

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
श्रेयस/DESPATCH

18 DEC 1996

हैदराबाद न्यायपीठ
HYDERABAD BENCH