

Central Administrative Tribunal
Jabalpur Bench

OA No.208/06

Wednesday this the 5th day of April, 2006.

C O R A M

Hon'ble Mr. M.A. Khan, Vice Chairman
Hon'ble Dr. G.C. Srivastava, Vice Chairman

1. AJANGOS Vehicle Factory Jabalpur Branch
Through its Secretary
V.N.Kamlakar
S/o Shri V.N.Kamlakar
R/o 105, Alok Nagar
Adhartal, Jabalpur.
2. V.N.Kamlakar
S/o Shri V.N.Kamlakar
Chargeman Gr.I
R/o 105, Alok Nagar
Adhartal, Jabalpur.
3. Indian Ordnance Factories Non-Technical
Supervisory Staff association, VFJ Branch
Through its Chairman
R.K.Palia
S/o Shri G.P.Palia
R/o Behind Gorakhpur Gurudwara
Deep Duplex, Napier Town
Jabalpur.
4. D.K.Rajak
S/o Shri M.L.Rajak
Supervisor, PLS Section Plant 3
Vehicle Factory Jabalpur
Jabalpur.
5. All India Association of Clerical Employees
Of Ordnance Factories, VFJ Branch
Through its Chairman
C.L.Rajak
S/o Shri Ganesh Prasad Rajak
R/o 2913
Opp.Sant Joseph Convent School
Ranjbi, Jabalpur.

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6. C.L.Rajak
 S/o Shri Ganesh Prasad Rajak
 UDC
 R/o 2913
 Opp. Sant Joseph Convent School
 Ranjhi, Jabalpur. Respondents.

(By advocate Mr.S.Paul)

Versus

1. Union of India through
 Secretary
 Ministry of Defence
 New Delhi.

2. The Chairman/DGOF
 Ordnance Factory Board
 10-A, S.K.Bose Marg
 Kolkata.

3. The Sr.General Manager
 Vehicle Factory Jabalpur
 Jabalpur. Respondents.

(By advocate Mr.R.S.Siddiqui)

ORDER

By M.A.Khan, Vice Chairman

AIANGOS Vehicle Factory, Jabalpur Branch along with 5 of its members have filed the present OA for setting aside the order dated 28.3.2006 (A-1) and 30.3.2006 (A-2) whereby the respondents effected recovery on the principle of no work no pay during the period the striking employees remained on strike. Applicant No.1 is representing the members of the association and the other applicants are the persons who are affected by the aforesaid orders. A general circular has required the administrative authority to apply the principle of no work no pay for those who participated in the strike on 29.9.2005.

M.A.Khan

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2. Learned counsel for the respondents is present though a formal copy of the OA has not been served on the respondents department.

3. The learned counsel for the parties have suggested that the present OA may be disposed of at this stage in terms of direction passed in OA No.387/2003 and other connected matters dated 3.12.2003 in which similar circular dated 26th September 1983 (A-12) was impugned.

4. Learned counsel for the applicant submitted that those applicants from whom recovery could be made pursuant to the order dated 28.3.2006 (A-1) and 30.3.2006 (A2) for participating in the strike on 29.9.2005 should be granted opportunity of hearing before any further action pursuant to circular dated 29.9.2005 is taken by the respondents.

5. Learned counsel for the respondents has agreed to this submission.

6. Accordingly the present OA is disposed of at the admission stage itself with a direction to the respondents that before taking further action pursuant to the order dated 28.3.2006 (A-1) & 30.3.2006 (A-2) and making actual recovery from the workers who allegedly have participated in the strike, a proper hearing shall be granted to them by serving a show cause notice. The above order shall be implemented within 3 months from the date of receipt of this order.

7. Copy of the OA as well as this order be supplied to the learned counsel for the respondents DASTI.

G.C.Srivastava
(Dr.G.C.Srivastava)
Vice Chairman

M.A.Khan
(M.A.Khan)
Vice Chairman

aa.

पृष्ठांकन सं. ओ/व्या.....जबलपुर, दि.....
पत्रिलिपि लाखे लिखा:-

- (1) सचिव, उच्च व्यापार वा राज विभाग, जबलपुर
- (2) आदेश श्री/की.पी./पु. के काउंसल
- (3) उच्च से पी/श्रीगती/पु. के काउंसल
- (4) गोप्याल, कोपाल, ज. नं. नं.

सूचना एवं आवश्यक कार्यक्रम

6/4/06
उप सचिव

Issued
6/4/06
by