

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :::: GUWAHATI - 5.

ORIGINAL APPLICATION NO. 225794

MISC PETITION NO. (IN O.A.)

REVIEW APPL. NO. (IN O.A.)

CONT. PETITION NO. (IN O.A.)

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APPLICANT(S)

VRS.

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RESPONDENT(S)

Mr. B. K. Sharma

ADVOCATE FOR APPLICANT.

Mr. M. K. Choudhury, Mr. S. Sarmah

Mr. G. Sarmah Addl. CSec

ADVOCATE(S) FOR
RESPONDENTS.

OFFICE NOTE	DATE	COURT'S ORDER
This application is in form and within time. C. F. of E.S. S. deposited v/s IPO on 11.11.94 Petited 15.11.94	6-12-94	Mr. B.K. Sharma for the applicant. The grievance is that the benefit of decision in O.A. 134/93 is being denied to the applicant although he is similarly placed. Issue notice before admission to the respondents to show cause as to why the application should not be admitted. Returnable on 19-12-94. Adjourned to 19-12-94.

bill
Vice-Chairman

60
Member

Requisites are
recd on 7/12/94
& comd vide m.
ext.

29/12

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OFFICE NOTE

DATE

COURT ORDER

19.12.94

Mr. B K Sharma for the applicant.

Mr. G Sarma, Addl. C.G.S.C. for the respondents.

Notice before admission was issued to the respondents to show cause as to why the application should not be admitted. No show cause reply has been filed but Mr. G. Sarma the learned C.G.S.C. who appears for the respondents states that relief has already been granted to the applicants as prayed and the application would not survive. However, he is unable to produce the concerned notification. In the circumstances as will be pointed out below only a formal order is required to be passed in this application. It is not therefore necessary to admit the application for the purpose of further hearing and hence it is being disposed of at the admission stage.

By this application the All India Telegraph Traffic Employees Union Class-III prays that the same benefit granted at the instance of the Union to the applicants in O.A. 134/93 decided on 23.9.93 be extended to the 4 members of the Union mentioned at Annexure 1 to the application. Mr. Sharma states that by mistake the word Late has been typed before the name of the fourth person mentioned in the list and the error is regretted.

By the order in O.A. 134/93 the respondents were directed to fix the pay of the members of the Union mentioned in that case in the post of Lower



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19.12.94 Selection Grade Telegraph Master by applying the principle of F.R. 22(C) with all consequential benefits including arrears of salary and increments from the date of their promotion to the post of Lower Selection Grade Telegraph Master.

The applicant avers in para 4.19 of the application that the respondents have expressed their inability to extend the benefit of the order in O.A. 134/93 to the 4 persons whose case is represented in the instant application in the absence of their names being specifically incorporated in that order.

It baffles me as to how the respondent could refuse to extend similar benefit to the persons at Annexure 1 in the present application, as was directed to be extended by this Tribunal to the persons whose names were included in O.A. 134/93 when the persons mentioned in Annexure 1 to the present application are similarly situated and would be eligible to be given benefit on the self-same grounds. It is stated in para 4.20 of the application that the names of the persons mentioned at Annexure 1 had remained to be included in the list of persons in O.A. 134/93 due to inadvertence. It is submitted in para 4.21 of the application that where some principles are laid down in a case the same should be made applicable to all the employees similarly circumstanced without requiring them to approach the Court again.



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No written statement has been filed by the respondents. Mr. G. Sarma, the learned Addl. C.G.S.C. stated today that an officer from the office of the respondents one Mr. Rabha had come to the Tribunal in the morning and had shown a notification to him issued by the Government extending the benefit to persons mentioned at Annexure 1 to the application and therefore the application would not survive. We are however sorry to note that the said officer has not chosen to appear at 02-30 P.M. when the matter was fixed nor had left the copy of the notification with the Addl. C.G.S.C. or the Court Officer. It is not therefore available for our reference. This attitude of the concerned officer deserves to be outright deplored. Surely he cannot expect the Tribunal to dance to his tune. The respondent no. 3 is directed to make enquiry in this respect and take proper action against the said officer and report the same to the Tribunal. If proper explanation is not offered then the Tribunal may be compelled to take further action as it may deem necessary in the matter so as to prevent recurrence of such casual attitude of officers towards the matters in the Tribunal.

It is really astounding that despite the fact that not only in the order in O.A. 134/93 but in several other judgements mentioned in that order also same view was taken and even so the respondents had compelled the Union to file this application for relief on the ground that the names of the persons mentioned in Annexure 1

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were not included in the list in O.A. 134/93, if that is true. It is not disputed that the persons presently concerned were eligible for being extended the benefit as directed under the order in O.A. 134/93. The respondents are expected to abide by the ratio of a decision of the Tribunal on the question decided and ^{to} extend the benefit there to similarly circumstanced personnel without requiring everyone to rush to the Court or Tribunal. By such attitude the respondents would be only adding to the litigation which they are expected to ~~encourage~~ discourage. Had the notification stated to be issued been produced then it would not have been necessary to give this judgement. However, as it is not made available following order is passed :

The respondents are directed to fix the pay of the 4 employees mentioned in Annexure 1 in the instant application in the post of Lower Selection Grade Telegraph Master by applying the principles of F.R. 22(C) with all consequential benefits including arrears of salaries and increments from the date of their promotion to the post of Lower Selection Grade Telegraph Master.

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If the same has not so far been done then it shall be done within a period of 60 days from the date of receipt of copy of this order.

The application is accordingly allowed. However there will be no order as to costs. →

conld : →

hsc

OF 225/94

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DATE

COURT'S ORDER

19.12.94 A copy of this order be sent to the respondent no. 3 for bringing to his attention - the observations made in this order in respect of conduct of his officer.

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27.1.95
Copy of order dtl. 19/12
issued to all concerned
by Regd. Post ride Ofc.
562-566 dtl. 31.1.95.

Minister

Subrahmanyam
Vice-Chairman

trd

Trd - 22/12