

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.5

ORIGINAL APPLICATION NO. 247/94 MISC. APPL. NO. (IN OA.)
REVIEW APPLICATION NO. (IN O.A. NO.) CONT. APPL. (O.A.)

A. M. Das.

VERSUS

APPLICANT(S)

U. O. 1.1 & OA 2.

RESPONDENT(S)

Mr. J. L. Sankar

APPLICANT(S) ADVOCATE

Mr. M. Chanda

RESPONDENT(S) ADVOCATE

Cuse

OFFICE NOTE

DATE

COURT'S ORDER

Mentioned

Mr. M. Chanda for applicant
per C. Sharma ~~Adv.~~ Cuse for Resps
notice

Heard

Advised W. S. 4 rules: Adm. to 12.95
Issue notice to resps. to
show cause why int. orders
as prayed be not granted
returnable on 13.1.95

>Main OA adj. to 1.2.95
But relief hearing on 13.1.95

hell

23/12/94

Regd. recd.
e. chand. vide
no. 5275-7202. 23.12.94

26/12

OFFICE NOTE	DATE	COURT'S ORDER
	17.1.95	Heard Mr. Chanda for the applicant. Mr. A.K.Chowdhury, Addl. C.G.S.C. for the respondents.
		In para 7 of the show cause reply filed by the respondent Nos. 1,2 and 3 it is stated that the applicant had not made any appeal to the Chief Engineer/Director General (Works) who is the Head of Department and has not exhausted the departmental remedies before filing this application hence it is not maintainable.
		Since the application has been filed we think that we should have the advantage of the view of the Director General (Works). Accordingly the applicant is directed to present a formal appeal to the Director General (Works) of C.P.W.D., New Delhi, within one week from today.
		The Director General (Works) is directed to entertain the appeal and decide on merits bearing in mind the following aspects :
		<ol style="list-style-type: none"> i. The award made between the C.P.W.D. administration and Workmen represented by C.P.W.D. Mazdoor Union rendered in Case No. N-Arbitration/Con/I/86 dated 31.1.1988 which applies to all workmen irrespective of the fact whether they are employed and or described under the name and style of Workcharged or Regular Classified Esstt. or Muster roll employees and the C.P.W.D. workmen are industrial workmen (Page 912).

Contd....

OFFICE NOTE	COURT ORDERS
	17.1.95 ii. The observation in the award at Page 912 ; "I share the anxiety expressed by Party No. II. I wish the Party No. I would not allow any discrimination which will affect adversely the interest of CPWD workers before us who are industrial workers so as to give rise to the grievances on this count as mentioned by Party No. II. The grievances made by Party No. II were entitled to superannuate at the age of 60 years being Industrial Workmen".
	iii. Following decisions ; 1. Decision of the Principal Bench of Central Administrative Tribunal in O.A. No. 399/86 dated 29.5.91. 2. Judgement of this Bench of Central Administrative Tribunal (Guwahati) in M.P. No. 99/94 in O.A. 150/94 dated 30.8.94. 3. Judgement of the Cuttack Bench of Central Administrative Tribunal in O.A. No. 331/93 dated 23.9.93. Provided copies of these decisions are submitted by the applicant alongwith his appeal.
	<i>W.M.</i> Contd...

W
O.A. 247/94

17.1.95 The Director General shall decide as to whether the applicant is entitled to be considered for superannuation on completing the age of 60 years or should retire on completion of 58 years of age.

The Director General shall pass a speaking order and communicate the same to the applicant so that the order is received by the applicant not later than 22.2.95.

Liberty to the applicant to apply for interim relief thereafter if occasion arises before the superannuation becomes effective.

A copy of this order be supplied to Mr. A.K.Chowdhury, Addl.C.G. S.C. for being forwarded to the Director General (Works), CPWD, New Delhi through the local authorities.

A copy also to be supplied to Mr. Chanda.

Member

Vice-Chairman

Copy of order dt. 17-1-95
issued to all concerned
vide no. 378-83 dt. 20-1-95

trd

19/1

28.2.95

Mr J.L.Sarkar for the applicant.

Mr A.K.Choudhury, Addl.C.G.S.C for respondents.

In pursuance of the interim order passed on 17.1.95 the representation of the applicant has been considered by the respondents and has been rejected vide order dated 17.2.95. The applicant now desires to challenge that order by filing a separate application. Mr Sarkar therefore seeks to withdraw this application without prejudice to the rights of the applicant to file a fresh application against the order dated 17.2.95. The application is therefore allowed to be withdrawn with liberty to the applicant to file a fresh application if so advised against the order dated 17.2.95 rejecting his representation including on grounds urged in the present application. No order as to costs.

As Mr Sarkar stated that he intends to move a fresh application immediately as urgent interim relief is being sought, this application may be allowed to be withdrawn. Hence I have passed the orders sitting singly as the Bench is not sitting today.


Vice-Chairman