

CENTRAL ADMINISTRATIVE TRIBUNAL.  
GUWAHATI BENCH: GUWAHATI. 5

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

A. M. Das.

VERSUS

APPLICANT(S)

U. O. 1. 1. 8 one.

RESPONDENT(S)

Mr J. L. Sankar

APPLICANT(S) ADVOCATE

Mr M. Chanda

RESPONDENT(S) ADVOCATE

Case

OFFICE NOTE

DATE

COURT'S ORDER

This application is in  
form and within time.

C. F. of Rs. 50/-

deposited vide

PO/BD No. 882306

Dated 19.12.94

23/12/94  
23/12

Mentioned

Mr M. Chanda for applicant  
vs. G. Chamma ~~add~~ case for Resps-  
on notice

Heard

Admitted W.S. 4 rules: AD to 1.2.95  
Some notice to Resps. to  
show cause why int sides  
as prayed be not granted.  
Returnable on 13.1.95

(Main OA ad) to 1.2.95  
Int relief hearing on 13.1.95

23/12/94

Requisite recd

& cond. note

no. 5275-7202. 29.12.94

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 appli-  
cation 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 :

- i. The award made between the C.P.W.D.  
administration and Workmen repres-  
ented 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 Workchaged 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. <sup>was that the Party No. II</sup> 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.

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

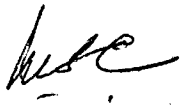
28.2.95

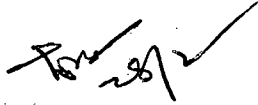
Mr J.L.Sarkar for the applicant.

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 ~~stating~~ sitting singly as the Bench is not sitting today.

  
Vice-Chairman



26.4.95  
copy of order dtd.  
28.2.95 issued to  
all concerned by  
Regd. Post vide D/O,  
1814-1817 dtd. 1.5.95  
