

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI...5

ORIGINAL APPLICATION NO.

MISC PETITION NO. (IN O.A.)
✓ REVIEW APPLI. NO. 25/94 (IN O.A. 2/94)
CONT. PETITION NO. (IN O.A.)

.....U.O.I. & ors.....APPLICANT(S)

Vrs.

A.I.P. Empl. Union & ors.

RESPONDENT(S)

.....Mr. G. Sarma, Addl. C.G.S.C.ADVOCAE T(S)
FOR APPL.

.....Mr. B.K. Sharma, Mr. M.K. Choudhury.

.....ADVOCAE(S)
FOR RESDPTS.

OFFICE NOTE

DATE

COURT'S ORDER

This Review Application 31-8-94 At the request of Mr. G. Sharma and by
is filed by Mr. G. Sarma, Addl. C.G.S.C. on behalf of
Union of India & ors
with a prayer for Review
the Judgment and Order
dtd. 17.3.94 passed by this
Hon'ble Tribunal.

to 2-9-94.

JK
Vice-Chairman

Laid for favour of
further orders.

lm

JK
Member

JK
30/8/94
SECTION OFFICER(J)

1-9-94

Adjourned to 5-9-94.

JK
Vice-Chairman

lm

JK
Member

5-9-94

Mr G. Sarma for the applicant.

To be placed for order at Shillong
during the next sitting of the Bench at
Shillong.

JK
Vice-Chairman

On notice to the respective
S. G. Officer for W.S.

Adj. to 8.12.94 for
further orders

JK

Shillong
21.9.94

PG

Heard Mr G. Sharma.

True impact of Supreme Ct J2 Member
and earlier J2 of Tribunal needs to be
considered, how points are involved.
Review petition is admitted. *JK* ①
subject to objection as to limitation of some

JK 21.9.94

M(A)

5.10.94

Mr G.Sarma for the applicants.

Mr B.K.Sharma for the respondents.

The matter is placed on board in view of the letter received from applicant No.1 Association dated 19.9.94. No direction is necessary as the said applicant has been represented by a counsel and as such remedies as may be available to them in accordance with law to enforce the order dated 17.3.94 would be available to them. We may mention that in the Review Application no order of stay has been granted of the original order and it will be open to the applicant to appear and contest that petition.

A copy of the minutes be forwarded to the applicant No.1 with reference to its letter mentioned above.

Copy of order be furnished to the applicant.

Bd.

Fwd
STCO

Vice-Chairman

60
Member

Order d. 15.10.94 Pg

vide No. 4230-31 4/88
D. 26.10.95

8-12-94

Adjourned to 9-1-95.

for
J2fx

Vice-Chairman

60
MemberRegularly, on the
15th d. vide no. 4230-31 1m

10-1-95

Adjourned to 16-1-95.

for
J2fx
Notice of hearing on
R.A. No. 12-2Case ready
as regards
service

1m

N
11/1/95

Vice-Chairman

60
Member

14.2.95

It does not appear that the adjourned date is noted in the proceeding sheet after 15.1.95. Hence the above proceeding be placed for orders for orders for fixing date of hearing on 16.2.95.

hsl
Vice-Chairman

DL
Member

p9

16-2-95

Adjourned to 3-4-95.

hsl
Vice-Chairman

DL
Member

1m

3.4.95

None for the applicant.

Mr B.K. Sharma for the respondents.

To be placed for hearing on 3.5.95.

hsl
Vice-Chairman

DL
Member

nkm

Prs/SPU

3.5.95

Mr B.K. Sharma/Mr G. Sarma.

6.4.95
An affidavit in
addition for delaying
the cause of following
Review petition may
be submitted.

It appears that some other matters
are pending on the same point. It is
desirable that all matters are heard
together. Mr B.K. Sharma and Mr S. Ali
to furnish the numbers of their O.A.s
so that all the matters can be placed
alongwith this R.A. List on 1.6.95.

60

hsl

4 - R.A. 25/94 (OA. 2/94)

31.5.95

for hearing
on 8.6.95.

By 00h.

8.6.95

To be listed for
hearing 31.7.95.

By 00h.

R.A.No.25/94 (in O.A.No.2/94)

OFFICE NOTE	DATE	COURT'S ORDER
	21.8.95	Mr G. Sarma for the applicants (Kohima) (original respondents.)
		Mr B.K. Sharma for the respondents (original applicants).
		The decision follows earlier decision in O.A.No.42(G) of 1989 confirmed by the Hon'ble Supreme Court. In this review application question of true impact of the said decisions has been raised. Since there are other O.A.s involving same points fixed for hearing together we think that in order to maintain uniformity in the decisions it is necessary to reexamine the claim of the applicants afresh by reviewing the order dated 17.3.94.
① However, if amount towards O.A. License fee in compliance with the order dated 17.3.94 has already been paid paid to the applicants or any of them shall not be disturbed by reason of setting aside of that order, no recovered recovered		The Review Application is accordingly allowed and the order dated 17.3.1994 is set aside. The original application be listed for hearing alongwith O.A.No.48/91 and companion O.A.s on 22.8.95.
		No order as to costs.
		<i>W.C.</i> Vice-Chairman
		<i>60</i> Member

pkm

R.A.No.25/94 (in O.A.No.2/94)

6

OFFICE NOTE DATE COURT'S ORDER

21.8.95 Mr G. Sarma, Addl. C.G.S.C., for
(Kohima) the applicants (original respondents).

Mr B.K. Sharma for the
respondents (original applicants).

The decision follows earlier
decision in O.A.No.42(G) of 1989
confirmed by the Hon'ble Supreme
Court. In this review application
question of true impact of the said
decision has been raised. Since
there are other O.A.s involving same
points fixed for hearing together we
think that in order to maintain
uniformity in the decisions it is
necessary to reexamine the claim of
the applicants afresh by reviewing
the order dated 17.3.1994.

The Review Application is
accordingly allowed and the order
dated 17.3.1994 is set aside.
However, if any amount towards HRA and
licence fee in compliance with the
order dated 17.3.1994 has already
been paid to the applicants or any of
them shall not be disturbed by reason
of setting aside of that order nor
recovered. The original application
be listed for hearing alongwith
O.A.No.48/91 and companion O.A.s on
22.8.95.

No order as to costs.


Vice-Chairman


Member

nkm


-21-

O.A. 48/91 with O.A. 11/95 with O.A. 37/95 with R.A. 25/94
in O.A. 2/94 with M.P. 100/94 with O.A. 105/95.

X

OFFICE NOTE	DATE	REMITTANT'S OWNER
	1.8.95	<p><u>O.A. No. 48/91</u> None for the applicant. Mr. S. Ali, Sr. C.G.S.C. for the respondents.</p>
		<p><u>O.A. 11/95</u> Mr. B.K.Sharma for the applicant/Mr. G. Sarma, Addl. C.G.S.C. for the respondents.</p>
		<p><u>O.A. 37/95</u> Mr. B.K.Sharma for the applicant/Mr. G. Sarma, Addl. C.G.S.C. for the respondents.</p>
		<p><u>R.A. No. 25/94 in O.A. 2/94</u> Mr. G.Sarma, Addl. C.G.S.C. for the applicants/Mr. B.K.Sharma for the respondents.</p>
<u>3.8.95</u>		<p><u>M.P. 100/94 (O.A. 2/94)</u> Addl.C.G.S.C. Mr. G.Sarma/for the applicants/Mr. B.K. Sharma for the respondents.</p>
<u>Passed over for the Day.</u>		<p><u>O.A. 105/95</u> Mr. T.K.Dutta for the applicants/Mr. G. Sarma, Addl. C.G.S.C. for the respondents.</p>
<u>4.8.95</u>		<p>All these matters involved common question. Argumemts of Mr. B.K.Sharma, Mr. T.K.Dutta, Mr. S.Ali, Sr.C.G.S.C. and Mr. G.Sarma, Addl. C.G.S.C. are heard at length in common to all the applications. However, counsel desire to consider the legal position further and Mr. G.Sarma,Addl. C.G.S.C. also wants time to produce some O.M.s in O.A. 37/95 and O.A. 11/95. Adjourned to 3.8.95.</p>
<u>Adjourned to Kohima.</u>		
<u>5.8.95</u>		

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMN)