

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1/2015
MA No.1461/2015

New Delhi this the 30th September, 2015

Hon'ble Shri Sudhir Kumar, Member (A)
Hon'ble Shri Raj Vir Sharma, Member (J)

Association of Civilian Class I (Gr. A) Officers

1. Survey of India (Ministry of Science and Technology)
(Through its permanent Committee Member Shri Rajendra Kumar Meena)
Having its office at Survey Colony
Vijay Nagar, Jabalpur-482002
Madhya Pradesh.
2. Rajendra Kumar Meena
Aged 50 years (DOB being 12.11.1964)
Son of late Shri Ram Lal Meena
Permanent Committee Member,
Association of Civilian Class I (Gr. A) Officers,
Presently serving as Director, Survey of India,
Sir Creek Bhavan, Sector 10-A,
Gandhinagar-382010. ...Applicants

(By Advocate: Shri Vijay K.Verma)

VERSUS

1. Union of India
(To be represented through its Secretary to the Government of India, Department of Science & Technology, Ministry of Science & Technology, Technology Bhavan, New Mehrauli Road, New Delhi-110016.
2. Survey of India
(To be represented through its Surveyor General, O/o Surveyor General of India, Hathibarkala Estate, Dehradun-248001, Uttarakhand.
3. The Additional Surveyor General & Chairman of the Board
Survey of India
Northern Zone Office,
Survey Complex,
Dakshin Marg, Sector-32-A,

Chandigarh-17030.

4. Major Arvind Jadli, DSS
CAMS, New Delhi.
5. Major Kshitij Verma
ADMC, Bangalore.
6. Major Kunal S Borkar, DSS
GIS & RS, Hyderabad.
7. Major Rajat Sharma, DSS
501 EG, Dehradun.
8. Major Suman Kumar Sarkar, DSS
IIS & M, Hyderabad.
9. Major Arjun Sampat, DSS
KGDC, Bangalore.
10. Major Tahir Mustafa, DSS
IIS & M, Hyderabad.
11. Major Rakesh Rana, DSS
IIS & M, Hyderabad.
12. Major Arindam Gupta, DSS
IIS & M, Hyderabad.
13. Major K A Grewal, DSS
ADMC, Bangalore.
14. Major Pawan Kumar Panday, DSS
IIS & M, Hyderabad.
15. Major Vivek Malik, DSS
IIS & M, Hyderabad.
16. Major Sumit Dwivedi, DSS
IIS & M, Hyderabad.
17. Major Satyendar S Rathore, DSS
IIS & M, Hyderabad.
18. Major Ajay Kumar, DSS
IIS & M, Hyderabad.
19. Major Siddarth Shekhawat, DSS
IIS & M, Hyderabad. ...Respondents

(By Advocate: Shri D.S.Mahendru for official respondents &
Shri D.Z.Khan for private respondents)

ORDER (ORAL)

Per Sudhir Kumar, Member (A):

When the case came up for hearing on 29.09.2015, at the first round of hearing itself, it was pointed out to the learned counsel for the applicants that the OA appears to be defective, inasmuch as the Applicant No.1 Association was represented through its Permanent Committee Member-Shri Rajendra Kumar Meena, and the Applicant No.2 himself also was the same person Shri Rajendra Kumar Meena, which is not permissible under Rule 4 (5) (b) of the CAT (Procedure) Rules, 1987. The rule clearly provides that in case an OA is filed by an Association, at least one affected individual person has to join. Permission can be granted to an Association, representing the persons desirous of joining in a single application, provided, however, that the application shall disclose the class/grade/categories of persons, and the number of such persons, on whose behalf it has been filed by their Association, provided that at least one such affected person who is a Member of the Association also joins in filing such an application.

2. In this particular case, it has not been shown that as to how many persons' interests are sought to be protected through the Applicant No.1, i.e. Association of Civilian Class I (Grade A) Officers, whose interests the Association is purportedly trying to protect, nor at least one of the affected persons among the Members of the said Association, apart from the Office Bearers of the Association, has joined. The Association before us is said to be represented through Rajendra Kumar Meena, who has himself joined together in filing of the OA.

3. It is also seen that the said Rajendra Kumar Meena is only a "Permanent Committee Member" of the Association, and neither its President/Vice President, nor its Secretary/General Secretary. The

Memorandum and Articles of Association and its By-Laws, if any, have also not been filed, which may disclose as to which category of Office Bearer(s) of the Association is permitted to sue and be sued on behalf of the Association, and, particularly, whether just a "Permanent Committee Members" can also represent that Association, or not.

4. Learned counsel for the applicants has stated that he had filed an MA for joining together, which had been allowed on 02.01.2015. However, it appears that the Vacation Bench on that date had somehow not taken notice of the lacunae in the O.A. as filed, and as to how many affected persons are sought to be represented through Applicant No.1 Association, and perhaps it was only by oversight that the Bench could not observe that the Applicant No.2 was the same person, who was representing Applicant No. 1 Association also, claiming to be a "Permanent Committee Member" of the Association, and not even an Office Bearer representing the Applicant No.1 Association.

5. Therefore, in this case, we have before us only the name of a single person, who has filed the OA before us, claiming to have approached this Tribunal in two capacities. Normally an Association can be represented only through its Office Bearers, authorized to sue or be sued on behalf of the Association, who alone may be the authorized signatories to file an OA, and, as such, an Association can file such a case only through its President/Vice President/Secretary etc., and not through or by only a Committee Member.

6. Also, under law, the same person cannot then join himself in an individual capacity also. Learned counsel for the applicants submits that Shri Rajendra Kumar Meena has filed this case both in his official capacity, as well as in an individual capacity as the Applicant No.2, but we find that this process could not have been followed under law.

7. Therefore, we are convinced that without a disclosure of the class/grade/categories of persons, and the number of such persons whom the Applicant No.1 Association seeks to be representing, and without an Office Bearer, the President or Secretary or Joint Secretary etc. of the Association, authorized by the Memorandum and Articles of Association and the By-Laws of the Association, who can sue on behalf of the Association, joined by an individual Member as the second applicant, this OA could not have been filed.

8. Further, after his having filed this case as Applicant No.1 as a Permanent Committee Member of the Association, which is sought to be represented through Rajendra Kumar Meena, without the authorization to do so through By-Laws etc having been produced, the same person could not have again claimed to be an individual affected person also, who could join his Association, under Rule 4 (5) (b) of the CAT (Procedure) Rules, 1987.

9. Being defective, the OA is, therefore, dismissed, with cost of Rs. 5000/- being imposed upon the said Shri Rajendra Kumar Meena for his having filed a frivolous litigation, which cost should be paid to the CAT Bar Association Library. The interim relief granted earlier also stands vacated.

(Raj Vir Sharma)
Member (J)

(Sudhir Kumar)
Member (A)

/kdr/