

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

REVIEW APPLICATION NO. 170/00049/2017

IN

ORIGINAL APPLICATION NO. 170/00322/2017

DATED THIS THE 18TH DAY OF APRIL, 2018

HON'BLE DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

1. All India DGQA Engineers Association
Bangalore Branch,
Represented by General Secretary,
Shri A. Aswathnarayan
S/o Shri A. Krishna Rao
Aged about 58 years,
Working as Assistant Engineer
Quality Assurance (Electronics)
J.C. Nagar Post, Bangalore – 560 006

2. Shri Shekhar
S/o Shri Ram Lal Mishra
Aged about 33 years,
Working as Assistant Engineer
Quality Assurance (Electronics)
J.C. Nagar Post, Bangalore – 560 006

3. Shri M. Muruganantham
S/o Shri O.P. Mookaih
Aged about 51 years
Working as Assistant Engineer
Quality Assurance (Vehicle)
J.C. Nagar Post, Bangalore – 560 006

.....Review Applicants

(By Advocate Shri Izzhar Ahmed)

Vs.

1. Union of India,
Through the Secretary
Ministry of Defence
Department of Defence Production

Room No. 136, South Block
New Delhi – 110 001.

2. Director General
Directorate General of Quality Assurance (DGQA)
Ministry of Defence
Department of Quality Assurance (L)
G, Wing, Nirman Bhawan
New Delhi – 110 011.

3. Controller
Controllerate of Quality Assurance (Electronics)
Ministry of Defence (DGQA)
J.C. Nagar Post,
Bangalore – 560 006.

4. The Secretary,
Department of Personnel & Training (DoP&T)
North Block,
New Delhi – 110 001.

....Respondents

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

This RA was originally disposed of on 25.10.2017. For certain clarification regarding payment of costs, the RA was listed before the Court on 18.04.2018. We heard this matter which came on reference from the respondents directly without involving their counsel. The matter relates to a doubt which the applicants had apparently raised before the respondents. We had imposed a quantum of cost on the applicants. They had raised a doubt apparently before the respondents claiming that there is no specificity in the order as to who should be the recipient of the cost. Since the applicants had raised that issue, that matter has been referred to us for the clarification by the respondents.

2. Apparently a letter was sent AIDEA/CAT/CQAL/2017-18 dated 28.03.2018 to the Controller, CQAL, Bangalore by Shri A. Aswathnarayan, General Secretary and a copy to the Director General, DGQA which is quoted below:

"AIDEA/CAT/CQAL/2017-18
2018

Date: 28 Mar

To
The Controller,
CQAL,
JC Nagar PO,
Bangalore – 560 006.

Respected Sir,

**IMPOSITION OF COST IN RA No. 00049/2017 ARISING OUT OF OA
No. 170/00322/2017 CONCERNING AIDEA & ORS Vs UoI & ORS AT
CAT BANGALORE.**

1. Please refer: CQAL Letter No. 170/00322/2017 dated 27 Mar 2018.
2. With reference to the subject matter and reference, it is submitted that the Hon'ble CAT Bangalore has not issued prescribed formats under section 111 of AT Act-1985 with specific direction for payment to costs.
3. Therefore, the letter dated 27 Mar 2018 regarding costs is not in order and has no meaning.

Thanking you,

Yours faithfully

(A ASWATHNARAYAN)
Gen Secretary.

Copy To:-
The Director General,
Directorate of Quality Assurance,
Ministry of Defence (DGQA),
Room No. 308/A, 'D-1' Wing,
Sena Bhawan, New Delhi – 11:- for information and n/a please."

3. We heard the learned counsel Shri Izzhar Ahmed also. He would clarify that he had not asked for any clarification but he would say that in such cases Rule 111 of the Central Administrative Tribunal Rules of Practice, 1993 should apply, particularly Form 20. The learned counsel would say that in the Rules of Practice the bill of cost has not been annexed. It is correct but still the Tribunal holds the visitatorial jurisdiction and therefore does not need to explain all these things. Further as it is generally understood that when an applicant has to bear the cost it is to be paid to the respondents and who is the chief among them. In this case, it is the 2nd respondent. Rule 111 posited by the applicants' counsel Shri Izzhar Ahmed will not lie as it has an application only if the costs are not quantified. Here in this case the costs are quantified and the reasons are given why the cost is imposed therefore it is hereby clarified that the applicants will have to pay this cost to the 2nd respondent. It has to be done within one month next. If it cannot be done it will be treated as deliberate and the respondents will be at liberty to approach the appropriate revenue authority in Karnataka who is the DC, Bangalore Urban for taking coercive steps against the applicants. The order is clarified as above. No order as to costs.

(PRASANNA KUMAR PRADHAN)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

Annexures referred to by the applicant in RA No.170/00049/2017

Annexure RA1: Copy of orders dated 05.07.2017 and 28.07.2015

Annexure RA2: Copy of index of rejoinder dated 11.10.2017

Annexure RA3: Copy of order dated 17.10.2017 in OA 322/2017
