

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.427/2018

Date of Decision : 19th June, 2018.

CORAM: Hon'ble Shri Arvind J. Rohee, Member (J)
Hon'ble Mrs. P. Gopinath, Member (A)

1. B.S. Rokade,
Dy. Passport Officer (Retd.),
Regional Passport Office,
Worli, Mumbai - 400 030.
(R/o: D/33, Nand Dham,
B.P. Road, Dahisar (W),
Mumbai - 400 068).
2. F.L. D'souza,
Assistant Passport Officer (Retd.),
(R/o: 2B/45, Nalanda,
Gershine Nagar, Malad (W),
Mumbai - 400 064).
3. Gajanan Atmaram Sane,
Dy. Passport Officer (Retd.),
Regional Passport Office,
Worli, Mumbai - 400 030.
(R/o: Jawale Wadi, 380/C,
N.C. Kelkar Road, Dadar,
Mumbai - 400 028).
4. Smt.Shakuntala Ganesh
Prasad Rane,
Dy. Passport Officer (Retd.),
Passport Office, S.B. Road,
Pune - 411 016.
(R/o: 23/B, Dallas Bldg.,
Dadar, Mumbai - 400 028).
5. Kutubuddin Gafoor Shah,
Dy. Passport Officer (Retd.),
Passport Office,
Seminary Hills, Nagpur.
(R/o: 8/12, B.I.T. Block,
Sydoneham Compound,
Behind H.P. Petrol Pump,
Mumbai - 400 003).

6. Suresh Ramchandra Kurdhekar,
Assistant Passport Officer (Retd.),
Regional Passport Office,
Worli, Mumbai - 400 030.
(R/o: 12/D-3, Bhagyashree
C.H.S. Ltd., Gorai-I, R.S.C.-22,
Borivali (W), Mumbai - 400 091).
7. Yashwant Vasudev Puranik,
Assistant Passport Officer (Retd.),
Regional Passport Office,
Worli, Mumbai - 400 030.
(R/o: 3/6, Sahakar Nagar,
Wadala, Mumbai - 400 031).
8. K. Vijaykumar, Employed as,
Dy. Passport Officer,
Regional Passport Office,
Videsh Bhawan, BKC, Bandra (East),
Mumbai - 400 051.
(R/o: 96A, 24 Brindavan Society,
Majiwada, Thane).
9. Baban Krishna Kamble,
Superintendent (Retd.),
Regional Passport Office,
Worli, Mumbai - 400 030.
(R/o: C/46, Jai Shivshankar
Housing Society, Shastri Nagar,
Devi Chowk, Dombivili (W),
Thane).
10. Smt.Anuradha Dattatraya Joshi,
Assistant Passport Officer (Retd.),
Passport Office,
(R/o: B.No.8, Govind Niwas,
Kale Hanuman Lane, Virar (E),
Thane : 401 305).
11. Smt.Sugandha Sudhakar Deorukhkar,
Assistant Passport Officer (Retd.),
Regional Passport Office,
Worli, Mumbai - 400 030.
(R/o: 2/29, Manas Bldg.,
Dattaram Lad Marg, Kala Chowki,
Mumbai - 400 030).
12. Smt.Neeta Narendra Mahale,
Assistant Passport Officer (Retd.),

Passport Office, Thane.
(R/o: R.No.8, 1st Floor,
Kadri Mansion, L.J. Road,
Mahim, Mumbai).

13. Smt.Priti Deoram Worlikar,
Superintendent (Retd.),
Regional Passport Office,
Worli, Mumbai - 400 030.
(R/o: C/302, Raj Exzotica,
Near C.C. Club, Mira Road (E),
Thane - 400 107).
14. Mustaque Ahmed Sayed,
Assistant Passport Officer (Retd.),
Passport Office, S.B. Road,
Pune - 411 016.
(R/o: Plot No.58, Zeeshan Hsg.
Society, Mukundnagar,
Ahmednagar 414 002).
15. Smt.Shweta Suryakant Dicholkar,
Assistant Passport Officer (Retd.),
Regional Passport Office,
Worli, Mumbai - 400 030.
(R/o: B/506, Mukund Amit Society,
MHADA Colony, Navghar Road,
Mulund (E), Mumbai - 400 081).
16. Mangesh Kashiram Satam,
Assistant Passport Officer (Retd.),
Regional Passport Office,
Worli, Mumbai - 400 030.
(R/o: A/203, Deep Rekha Appt.,
Mithagar Road, Mulund (E),
Mumbai - 400 081).
17. Atmaram Babu Kadam,
Superintendent (Retd.),
Regional Passport Office,
Worli, Mumbai - 400 028.
(R/o: Narayan Smurti, 3rd Floor,
R.No.304, Patil Wadi, Sawarkar
Nagar, Thane (W) - 400 606).
18. Ashok Ramchandra Pawar,
Dy. Passport Officer (Retd.),
Regional Passport Office,
Worli, Mumbai - 400 030.

(R/o: 15, Shreeram Kesar Bldg.,
Mulund (E), Mumbai - 400 081).

19. Janardhan Kashinath Desai,
Dy. Passport Officer (Retd.),
Regional Passport Office,
Worli, Mumbai - 400 030.
(R/o: 106, Atharva C.H.S. Ltd.,
Aurthur Road, N.M. Joshi Marg,
Mumbai - 400 011).
 20. Dharmaraj Bajirao Mahajan,
Dy. Passport Officer (Retd.),
Regional Passport Office,
Worli, Mumbai - 400 030.
(R/o: D/8, Shree Datta Prasad
Society, Road No.1, Paranjape 'B'
Scheme, Vile Parle (E),
Mumbai - 400 057).
 21. Smt.Suniti Balkrishna Sawant,
Assistant Passport Officer (Retd.),
Regional Passport Office,
Worli, Mumbai - 400 030.
(R/o: 1401, N.D.V.-II, A-Wing,
Raheja Estate, Kulupwadi,
Borivili (E), Mumbai - 400 066).
 22. Smt.Manish Murlidhar Doiphode,
Dy. Passport Officer (Retd.),
Passport Office, S.B. Office,
Pune - 411 016.
(R/o: 1404-B-7, Tulip
Vardhaman Garden,
Thane-Bhiwandi Road,
Thane (W) - 400 608).
 23. Smt.Nurunnisa Abbulla Kazi,
Superintendent (Retd.),
Regional Passport Office,
Worli, Mumbai - 400 030.
(R/at: Nobel Co.op.Hsg. Society,
A-304, Plot No.1/1, Sector-2,
Deonar Colony, Govandi,
Mumbai - 400 043).
- ... Applicants.**

(By Advocate Shri S.P. Saxena)

VERSUS

1. The Union of India, through
The Secretary,
Ministry of External Affairs,
New Delhi - 110 011.
2. The Joint Secretary (P.S.P.)
and Chief Passport Officer,
Ministry of External Affairs,
C.P.V. Division, Patiala House
Annexe, Tilak Marg,
New Delhi-01.
3. The Regional Passport Officer,
Regional Passport Office,
Videsh Bhawan, Plot No.45-G,
Bandra-Kurla Complex,
Bandra (E),
Mumbai - 400 051. ... ***Respondents.***

ORDER (ORAL)

PER: SHRI ARVIND J. ROHEE, MEMBER (J)

Today when the matter is called out for Admission, heard Shri S.P. Saxena, learned Advocate for the applicants. We have carefully perused the case record.

2. The applicant Nos.1 to 7 and 9 to 23 are retired employees of Passport Office and applicant No.8 is presently working as Deputy Passport Officer. They have come up with a common grievance that they have not been granted the pay scale of the post of Superintendent which was revised although they are eligible for the same.

3. In this OA, the following reliefs are sought:-

"8(a) To allow the application.

(b) To hold and declare that the Applicants are also entitled to be placed in the pay scale of Rs.6500 - 10,500/- from the date of their promotion to the post of Superintendent.

(c) To direct the Respondents to pay to Applicants the arrears of pay and allowances arising as a consequence of refixation of pay in the revised pay scale of Rs.6500-10,500, for the post of Superintendent.

(d) To direct the Respondents to grant 10% interest on the arrears of pay and allowances, from the date of promotion to Superintendent,

(e) To direct the Respondents to grant all consequential benefits including refixation of pay in higher posts held by the Applicants,

(f) To pass any other appropriate orders in the facts and circumstances of the case,

(g) To award the cost of application."

4. According to applicants, they are similarly placed employees and the said relief is already granted to the other employees who approached different Benches for redressal of their grievance. Copies of the orders are also enclosed as Annexures to OA. It is stated that

the order passed in favour of other similarly placed employees is finally confirmed by Supreme Court.

5. The record shows that some of the applicants have submitted separate representations Annexure A-8 collectively to the respondent No.2 for redressal of their grievance. However, it is stated that nothing has been heard from the other end so far. Since there is no impugned order as such declining the claim, we cannot exercise the power of judicial review to set aside any such order.

6. MA No.334/2018 for permission to file Joint Petition is allowed, since the applicants are similarly placed employees and are seeking same relief.

7. In view of above, we are of the considered view that ends of justice will be better served in case appropriate directions are issued in the matter.

8. The respondent No.2 is, therefore, directed to consider and pass a reasoned and speaking order on the pending representations Annexure A-8 collectively of the applicants in accordance with law, within a period of eight

weeks from the date of receipt of a certified copy of this order.

9. The order so passed shall then be communicated to the applicants at the earliest who will be at liberty to approach the appropriate forum in case their grievance still persist.

10. In addition to the pending representations, one set of OA alongwith Annexures be forwarded to respondent No.2 for consideration, since copies of decisions rendered by various Benches and in SLP are annexed therewith.

11. Since the applicants claim to be similarly placed employees, this aspect should also be considered by respondent No.2 while passing the order on the pending representations.

12. The OA stands disposed of with the aforesaid directions at the Admission stage, without issuing notice to the respondents and without making any comments on the merits of the claim and keeping the legal pleas, if any open.

13. Registry is directed to forward certified copy of this order to both the parties at the earliest.

Dasti.

(Mrs. P. Gopinath)
Member (A)

(A.J. Rohee)
Member (J)

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