

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.12/2018.

Date of Decision: 03.01.2018.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)

1. Dr. Harihar Panda,
Professor, National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr. No.D3, 206-B, N.D.A.,
Khadakwasla, Pune 411 023.
2. Dr. Govind N. Sarage,
Associate Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.D3, 205-A,
N.D.A., Khadakwasla,
Pune 411 023.
3. Dr. Bijay Kumar Barnwal,
Associate Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at A-5, IKE – No – Midori Hsg.
Society, Bavdhan Kh. Pune 411 021.
4. Dr. Rajendra Prasad M.B.,
Associate Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.1658, D3,
Khadakwasla, Pune 411 023.
5. Mr. K. Newton Singh,
Assistant Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.176B, D2, N.D.A.,
Khadakwasla, Pune 411 023.
6. Dr. Chandrashekhar Aronkar,
Professor, National Defence Academy,
Khadakwasla, Pune 411 023.

R/at Qtr.No.D3, 165-A,
N.D.A., Khadakwasla,
Pune 411 023.

7. Dr. Mandke M. Vitthal,
Associate Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.176-A, D2,
N.D.A., Khadakwasla,
Pune 411 023.
8. Shri Sanjay Choudhary,
Associate Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.170-A, D2,
N.D.A., Khadakwasla,
Pune 411 023.
9. Shri Harpreet Singh,
Associate Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.173 A, D2,
N.D.A., Khadakwasla,
Pune 411 023.
10. Shri Sanjay Singh,
Assistant Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.170 B, D2,
N.D.A., Khadakwasla,
Pune 411 023.
11. Dr. Ayan Chakraborty,
Assistant Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.171 B, D2,
N.D.A., Khadakwasla,
Pune 411 023.
12. Dr. N. Kamal Singh,
Assistant Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.197 B, D3,

N.D.A., Khadakwasla,
Pune 411 023.

13. Dr. Nizara Arya,
Associate Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.163 A, D2,
N.D.A., Khadakwasla,
Pune 411 023.
14. Dr. Samuel Missal,
Associate Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.207 B, D3,
N.D.A., Khadakwasla,
Pune 411 023.
15. Shri Brijesh Yadav,
Assistant Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.181 A, D2,
N.D.A., Khadakwasla,
Pune 411 023.
16. Shri Deepak Kaushik,
Assistant Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.180 B, D2,
N.D.A., Khadakwasla,
Pune 411 023.
17. Shri Satyanarayana Gedela
Assistant Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.175 B, D2,
N.D.A., Khadakwasla,
Pune 411 023.
18. Shri Sreenath Unni,
Assistant Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.190 B, D3,
N.D.A., Khadakwasla,

Pune 411 023.

19. Dr. Rajeev Kumar Bansal,
Associate Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.205 B, D3,
N.D.A., Khadakwasla,
Pune 411 023.
20. Shri N. Elangovan,
Registrar,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.163 B, D3,
N.D.A., Khadakwasla,
Pune 411 023.
21. Shri Gadave Sahadeo Shivaji
Assistant Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.185 A, D2,
N.D.A., Khadakwasla,
Pune 411 023.
22. Shri Narendra Pradhan,
Associate Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.202 A, D3,
N.D.A., Khadakwasla,
Pune 411 023.
23. Dr. Manbendu Pathak,
Associate Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at 206 A, D3,
N.D.A., Khadakwasla,
Pune 411 023.
24. Dr.(Mrs.) Swagata Nandi,
Professor, National Defence Academy,
Khadakwasla, Pune 411 023.
R/at J 906, Asawari, Nanded
City, Pune 411 041.

25. Dr. S.N. Rao Pasupuleti,
Assistant Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.184 A, D2,
N.D.A., Khadakwasla,
Pune 411 023.
26. Shri Palagiri Srinivas,
Assistant Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.162 A, D3,
N.D.A., Khadakwasla,
Pune 411 023.
27. Dr. Pankaj Sharma,
Assistant Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.203 A, D3,
N.D.A., Khadakwasla,
Pune 411 023.
28. Dr. Sandip Kumar,
Assistant Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.157 D, D3,
N.D.A., Khadakwasla,
Pune 411 023.
29. Dr. S. Varaprasad Gultikonda
Assistant Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.194 B, D3,
N.D.A., Khadakwasla,
Pune 411 023.
30. Dr. (Mrs.) Jisha Annie Abraham,
Assistant Professor,
National Defence Academy,
Khadakwasla, Pune 411 023.
R/at Qtr.No.170 B, D2,
N.D.A., Khadakwasla,
Pune 411 023.
31. Shri Anuj Shankar

Assistant Professor,
 National Defence Academy,
 Khadakwasla, Pune 411 023.
 R/at Qtr.No.198 A, D3,
 N.D.A., Khadakwasla,
 Pune 411 023.

32. Shri Praveen Bhandarkar,
 Assistant Professor,
 National Defence Academy,
 Khadakwasla, Pune 411 023.
 R/at Qtr.No.170 B, D2,
 N.D.A., Khadakwasla,
 Pune 411 023.
33. Dr.(Mrs.) Sreelekshmi C.,
 Assistant Professor,
 National Defence Academy,
 Khadakwasla, Pune 411 023.
 R/at Qtr.No.178 B, D2,
 N.D.A., Khadakwasla,
 Pune 411 023.
34. Dr. Johny T. Abraham,
 Associate Professor,
 National Defence Academy,
 Khadakwasla, Pune 411 023.
 R/at Flat No.301, Lotus Enclave
 Aundh, Pune 411 007.
35. Dr. Anil K. Aria,
 Assistant Professor,
 National Defence Academy,
 Khadakwasla, Pune 411 023.
 R/at Qtr.No.195 A, D3,
 N.D.A., Khadakwasla,
 Pune 411 023.
36. Dr. Maheshwar Roy,
 Professor,
 National Defence Academy,
 Khadakwasla, Pune 411 023.
 R/at 1-205, Asavari, Nanded
 City, Pune 411 041.
37. Civilian Gazetted Officers (Gp.'A')
 Association, Regd. No. Maha/131/
 2016 (Pune), National Defence
 Academy, Pune – 23,

through its President and Secretary,
O/at G.R.F.L. H. No.238/1,
Guruwar Peth, Pune.

... **Applicants**

(Advocate by Shri S.P. Saxena)

Versus

1. Union of India,
Through the Secretary,
Ministry of Defence,
South Block, New Delhi 110 011.
2. The Principal Director (Pers.)
HQ. Integrated Defence Staff,
Ministry of Defence,
Dte. of Pers. Room No.48,
Kashmir House, Rajaji Marg,
New Delhi 110 011.
3. The Commandant
National Defence Academy,
Khadakwasla, Pune 411 023.
4. Shri O.P. Shukla
Principal,
National Defence Academy,
Khadakwasla, Pune 411 023.
5. Lt. Col. Satish Kumar,
Adm. Commandant,
National Defence Academy,
Khadakwasla, Pune 411 023. ... **Respondents**

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

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

2. By this Joint Application the applicants who are working as Assistant/Associate Professors in National

Defence Academy (NDA) under Respondent No.4, have grievance regarding non-forwarding of their representation by the Respondent No.3 to the Respondent No.1 for seeking permission for formation of Association, since they are civilian employees. The said MA 2/2018 is **allowed**.

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

“8.a) *To allow the application,*
8.b) *To hold and declare that applicants No.1 to 36 being Civilian Gazetted Officers (Group 'A') in NDA are entitled to form an Association of theirs in National Defence Academy, Pune, as per the Fundamental Right 19(l)(c) under Part III of the Constitution of India.*

8.c) *To hold and declare that the Civilian Gazetted Officers (Group 'A') Association cannot be held as illegal.*

8.d) *To direct the Respondent No.1 to consider the pending application of the civilian Gazetted Officers (Group 'A') Association, dated 15.07.2016, for grant of recognition to Association, and decide the same by a speaking/reasoned order in a period of two months.*

8.e) *To pass any other order which may be just and proper in the facts and circumstances of the case,*

8.f) *To award the cost of application.”*

4. During the course of arguments, the learned Advocate for the applicant has

referred the provisions of Government of India, Ministry of Defence's order No.197/71/D(Lab.) dated 23.02.1972 by which Central Government accorded permission to all the civilians employed by, or in the service of regular Army, who are subject to the Army Act, 1950, to form the Association. According to learned Advocate for the Applicants, the applicants are not governed by this Circular and they are governed by the subsequent Notification No.2/10/80-JCA (Vol.IV) dated 05.11.1993 issued in the form of Office Memorandum by DOP&T, which permits formation of Association by the civilians working in NDA.

5. It is submitted by learned Advocate for the applicants that although they have submitted a representation dated 15.07.2016 to the Respondent No.4 through proper channel i.e. through Respondent No.3, the same has not been forwarded for consideration although no communication was issued in this behalf. Considering, the peculiar facts of the case and particularly that there is no adverse decision as such, by any of the respondents declining

permission for formation of Association and it is stated that Respondent No.1 is the competent authority to take a decision on it, we are of the view that ends of justice will be better served, in case appropriate directions are issued in the matter.

6. In view of above, the Respondent No.1 is directed to consider and pass a reasoned and speaking order on the prayer made by the applicants seeking permission for formation of Association in accordance with law, within a period of twelve weeks from the date of receipt of certified copy of this order.

7. Since it is stated that Respondent No.3 has not forwarded the representation, it is hereby directed that Respondent No.1 shall treat this OA itself along with its annexures as representation of the applicants and take a decision thereon as directed.

8. A decision so taken 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 persists.

9. The OA stands disposed of with the above directions at the admission stage, without issuing notice to the respondents and without making any comments on merits of the claim.

10. Registry is directed to forward copy of this OA along with annexures to the Respondent No.1 and certified copy of this order, immediately for taking appropriate steps in the matter.

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

dm.