

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00142/2017

DATED THIS THE 05TH DAY OF NOVEMBER, 2018

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

HON'BLE SHRI DINESH SHARMA, MEMBER (A)

1. Thimmaiah T

S/o Late Sannagangappa,

Aged about 49 years,

Occ: Multi Task Staff

2. Kalegowda

S/o Muddumaregowda,

Aged about 58 years,

Occ: Multi Task Staff

3. B. Krishnegowda,

S/o Bhadregowda,
Aged about 48 years,
Occ: Multi Task Staff

4. Gopala

S/o Late Thimmaiah,
Aged about 44 years
Occ: Multi Task Staff

All are working at:
Sports Authority of India,
Nethaji Subhash Southern Centre
Gnanabharathi Post,
Mysore Road,
Bangalore – 560 056

.....Applicants

(By Advocate Shri G.M. Chandrashekar)

Vs.

1. Union of India
Ministry of Youth Affairs & Sports,
Shastri Bhavan,
New Delhi – 110 001
Represented by its Secretary

2. Director General
Sports Authority of India,

Jawaharlal Nehru Stadium,
Lodhi Road Complex
New Delhi – 110 003

3. Regional Director
Sports Authority of India,

NSSC, Mysore Road,
Bangalore – 560 056

....Respondents

(By M/s J. Hudson Samuel & Partners, Counsel for Respondent No.2 & 3)

O R D E R (ORAL)

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

Heard. The applicants file an application to seek some more documents which they say is crucial to their cause. The matter was filed in 2017 and the reply had been filed and process had come to an almost conclusion. The Administrative Tribunals Act is not intended for roving and fishing enquiry like this. The applicants seek to have a comparative value put on through salaries on the salaries of others who they say is not eligible to it but without they also being heard no such comparison can be made to the issue. We find that none of these persons whose salaries are now sought to be compared are in the party array. This has created an unnecessary situation. We had therefore sought whether the learned counsel for the applicant is ready to withdraw the OA to file a better OA. It seems that he is not inclined to do so. Therefore we find that this is a frivolous and vexatious litigation imposed on the respondents by the

applicants without adequate preparation, without having obtained relevant documents before filing it and without inducting the necessary parties to the party array. Therefore the OA is bad for non-joinder of necessary parties as well.

2. The OA is dismissed. But then we reserve liberty to the applicants to file a fresh and better OA after obtaining all necessary particulars and after inducting into the party array all necessary parties. No order as to costs.

(DINESH SHARMA)
MEMBER (A)

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

/ksk/

Annexures referred to by the applicant in OA No. 170/00142/2017

Annexure A1 Copy of the appointment order of the 1st applicant

Annexure A2 Copy of the appointment order of the 2nd applicant

Annexure A3 Copy of the appointment order of the 3rd applicant

Annexure A4 Copy of the appointment order of the 4th applicant

Annexure A5 Copy of the notification dated 01.06.2001

Annexure A6 Copy of the memorandum dated 21.12.2005

Annexure A7 Copy of the memorandum dated 05.08.2010

Annexure A8 Copy of the memorandum dated 05.08.2010

Annexure A9 Copy of the memorandum dated 05.08.2010

Annexure A10 Copy of the official memorandum issued by R1

Annexure A11 Copy of the office order No. 019/2012

Annexure A12 Copy of the office order No. 224/2012

Annexure A13 Copy of the office order No.223/2012

Annexure A14 Copy of the communication dated 04.12.2014

Annexure A15 Copy of the communication dated 29.05.2015

Annexures with reply statement

Annexure R1 Copy of the consent given by the 1st applicant to switch over to the Time Bound Promotion Scheme

Annexure R2 Copy of the undertaking dated 02.11.2007 and the consent dated 06.11.2007 given by the first applicant for withdrawal of the Time Bound Promotion

Annexure R3 Copy of the circular dated 19.10.2007

Annexure R4 Copy of the letter dated 07.01.2010

Annexure R5 Copy of the OM dated 16.11.2009

Annexures with MA 496/2018

Annexure A16 Copy of the communication dated 02.02.2017

Annexure A17 Copy of the salary slip of the 1st applicant for the month of August, 2018

Annexure A18 Copy of the salary slip of the 2nd applicant for the month of August, 2018

Annexure A19 Copy of the salary slip of the 3rd applicant for the month of August, 2018

Annexure A20 Copy of the salary slip of the 4th applicant for the month of August, 2018

Annexure A21 Copy of the salary slip of Shri Gopal Muttu for the month of August, 2018

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