

OA.No.170/01738-1739/2015/CAT/Bangalore Bench
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/01738-01739/2015

DATED THIS THE 23rd DAY OF JULY, 2018

HON'BLE DR.K.B. SURESH, MEMBER (J)
HON'BLE SHRI DINESH SHARMA, MEMBER (A)

1. Shri H.M.Shivaboraiah
S/o.Shri Muniyappa
Aged about 54 years
Working as Education Officer
Central Board for Workers' Education
Ministry of Labour and Employment, Govt. of India
Office at No.48, 1st Floor
Karmik Kalyan Bhavan
Mathikere Main Road
Yashavanthpur, Bangalore-560 022.

Residing at No.13 & 14, Flat No.101
Malige Apartment, 3rd Cross
Devaraj Urs Layout
Behind New Horizen School
Nagadevanahalli
Bengaluru-560 056.

2. Shri.M.R.Deshpandye
S/o Late Venkat Rao
Aged about 43 years
Working as Education Officer
Central Board for Workers' Education
Ministry of Labour and Employment, Govt. of India
Office at No.48, 1st Floor
Karmik Kalyan Bhavan
Mathikere Main Road
Yashavanthpur, Bangalore-560 022.

Residing at No.402, Bilad Dynasty
Behind Bethasda Church
Kengeri Upanagara
Bengaluru-560 060.

... Applicants

(By Advocate Shri K.Ananda)

Vs.

1. The Chairman
Central Board of Workers' Education
Room No.21, Jamnagar House
Man Singh Road
New Delhi-110011.

2. The Director
Central Board of Workers' Education
North Ambazari Road
Near V.N.I.T.Gate
Nagpur-440033.

3. Union of India
Ministry of Labour & Employment
Shramashakthi Bhavan
Rafi Marg
New Delhi-110011
Represented by its Secretary

...Respondents

(By Advocate Shri M.Rajakumar)

ORDER (ORAL)

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

Heard. This is a matter relating to suo motu review of our order. We find after hearing that the matter of contempt is contrary to the orders passed by the other Benches of the Tribunal and the High Courts. We have missed out one word in it. Therefore, we have last time suo motu reviewed the order giving chance to the Ld.Counsel to address us. Therefore, there is small clarification in the original order with the addition of one paragraph to the effect that in terms of Article 14 of the Constitution of India since some benefits have been extended to others, the same benefits will be extended to the applicants also subject to the final result of the Writ Petition pending in the Hon'ble High Court of Calcutta. To this extent, the applicants will give an indemnity bond following which the benefits can be extended to them. The bond will subsequently state that if the Calcutta order is against them, then they will refund the entire amount.

2. The OA is therefore, allowed as above. One(1) month time is granted to the respondents to comply with the order as in the case of others.

(DINESH SHARMA)
MEMBER(A)

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

/ps/

Annexures referred to by the applicants in OA.No.170/01738-01739/2015:

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

Annexure-A2: Copy of the office order dtd.08.12.1998 issued by the 2nd respondent

Annexure-A3: Copy of the office order dtd.14.10.1989 issued by the 2nd respondent

Annexure-A4: Copy of the office order dtd.18.05.2002 of the 2nd respondent
Annexure-A5: Copy of the office order dtd.10.10.2005 issued by the 2nd respondent
Annexure-A6: Copy of the Modified Assured Career Progression Scheme
Annexure-A7: Copy of the representation dtd.16.01.2014 filed by the 1st applicant
before the 2nd respondent
Annexure-A8: Copy of the representation dtd.16.07.2014 filed by the 2nd applicant
before the 2nd respondent
Annexure-A9: Copy of the representation dtd.2.6.2015 filed by the 1st applicant
before the 2nd respondent
Annexure-A10: Copy of the representation dtd.2.6.2015 filed by the 2nd applicant
before the 2nd respondent

Annexures with reply:

Annexure-R1: Copy of the memorandum dtd.1.1.2014

Annexures with MA.494/2016 by the respondents:

Annexure-MA1: Copy of the order dtd.06.09.2016 in OA.No.1738-1739/2015
Annexure-MA2: Copy of the order dtd.12.08.2016 in PT.No.83/2016 of PB, N.Delhi
