

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.03/2019

Date of Decision: 03.01.2019.

CORAM:HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)
HON'BLE SHRI R.N. SINGH, MEMBER (J)

1. All India Trademark Registry Employee Association
Baudhik Sampada Bhavan, S.M. Road,
Antop Hill, Mumbai 400 037.
Trhough Mr. V.K. Date, President,
All India Trademark Registry Employee Association
Baudhik Sampada Bhavan, S.M. Road,
Antop Hill, Mumbai 400 037.
2. Mr. S.G. Naik,
Age 58 years, Assistant Superintendent,
The office of Trade Mark Registry at
Boudhik Sampada Bhavan, S.M. Road,
Antop Hill, Mumbai 400 037.
R/at 34/652, Adarsh Nagar, Worli,
Mumbai – 400 030.
3. Mr. N.T. Divekar
Age 59 years, Assistant Superintendent
The office of Trade Mark Registry at
Boudhik Sampada Bhavan, S.M. Road,
Antop Hill, Mumbai 400 037.
R/at Belapur Village, Sector – 20,
Tal & Dist. Thane, Post Kokan Bhuvan,
Navi Mumbai 400 614.
4. Smt. S.D. Sawalkar
Age 56 years, Assistant Superintendent
The office of Trade Mark Registry at
Boudhik Sampada Bhavan, S.M. Road,
Antop Hill, Mumbai 400 037.
R/at CGS Colony, Bldg.No.199/2307,
Antop Hill, Mumbai 400 037.
5. Smt. R.K. Sheela,
Age 59 years, Assistant Superintendent
The office of Trade Mark Registry at
Boudhik Sampada Bhavan, S.M. Road,

Antop Hill, Mumbai 400 037.
R/at No.7, Nirmala Niwas, Sion Trombay
Road, Near Deonar Depot, Mumbai 400 088.

6. Smt. R.R. Wartak,
Age 59 years, Assistant Superintendent,
The office of Trade Mark Registry at Boudhik
Sampada Bhavan, S.M. Road, Antop Hill,
Mumbai 400 037.
R/at Kailash Complex, B Wing, Flat No.104,
L.B.S. Marg, Bhandup (W), Mumbai 400 078.
7. Smt. M.S. Manjrekar,
Age 55 years, Assistant Superintendent,
The office of Trade Mark Registry at Boudhik
Sampada Bhavan, S.M. Road, Antop Hill,
Mumbai 400 037.
R/at A/1, Ganesh Krupa, Bhandari CHS,
Near Abhudaya Bank, Kanjurmarg (E),
Mumbai 400 042.
8. Smt. S.B. Belwalkar,
Age 56 years, Assistant Superintendent,
The office of Trade Mark Registry at Boudhik
Sampada Bhavan, S.M. Road, Antop Hill,
Mumbai 400 037.
R/at 10, Saptshuranga Society, Shastri Nagar,
Devi Chowk, Dombivli (W) Thane.
9. Mr. D.T. Jiwanpurkar,
Age 50 years, Assistant Superintendent,
The office of Trade Mark Registry at Boudhik
Sampada Bhavan, S.M. Road, Antop Hill,
Mumbai 400 037.
R/at Nilkanth Park, 13/6, R/202,
Waile Nagar, Kalyan (W), Kalyan – 421 301.
10. Mr. M.J. Faroz,
Age 50 years, Assistant Superintendent,
The office of Trade Mark Registry at Boudhik
Sampada Bhavan, S.M. Road, Antop Hill,
Mumbai 400 037.
R/at John Marry House, Chulana Village,
Nr. Bridge, Tal. Vasai, Dist. Thane 401 202.
11. Mr. S.G. Sawant
Age 55 years, Assistant Superintendent,

The office of Trade Mark Registry at Boudhik
 Sampada Bhavan, S.M. Road, Antop Hill,
 Mumbai 400 037.
 R/at John Marry House, Chulana Village,
 Nr. Bridge, Tal. Vasai, Dist. Thane 401 202.

12. Mr. V.S. Sawant,
 Age 57 years, Assistant Superintendent,
 The office of Trade Mark Registry at Boudhik
 Sampada Bhavan, S.M. Road, Antop Hill,
 Mumbai 400 037.
 R/at CGS Colony, 10/75, Sector 3,
 Kane Nagar, Antop Hill, Mumbai 37.

13. Mr. V.B. Chendvankar,
 Age, 57 years, Assistant Superintendent,
 The office of Trade Mark Registry at Boudhik
 Sampada Bhavan, S.M. Road, Antop Hill,
 Mumbai 400 037.
 R/at Konark Heritage CHS, 5/Ground Floor,
 Panvel – 410 206.

14. Mr. T.D. Kosambia,
 Age 30 years, Assistant Superintendent,
 The office of Trade Mark Registry at Boudhik
 Sampada Bhavan, S.M. Road, Antop Hill,
 Mumbai 400 037.
 R/at B/104, Poonam Tower, Jain Mandir
 Road, Virar (W) – 401 303.

15. Mr. V.K. Date,
 Age – 59 yrs., Assistant Superintendent,
 The office of Trade Mark Registry at Boudhik
 Sampada Bhavan, S.M. Road, Antop Hill,
 Mumbai 400 037.
 R/at Bhatwadekar Wadi, 215, R.M. Road,
 Girgaum, Mumbai 400 004.

... *Applicants*

(By Advocate Ms. S.V. Gokhale)

VERSUS

1. The Union of India,
 Through the Secretary to the Govt. of India
 Ministry of Commerce and Industry,
 Dept. of Industrial Policy & Promotion (DIPP)
 Udyog Bhavan, New Delhi 110 001.
2. Union of India,

Through the Secretary, Dept. of Expenditure
(E-IIIB) Ministry of Finance, Room No.76,
New Delhi 110 001.

3. Controller General of Patent, Design and Trademark
Baudhik Sampada Bhavan, S.M. Road,
Antop Hill, Mumbai 400 037.
4. Registrar of Trademark,
Boudhik Sampada Bhavan, S.M. Road,
Antop Hill, Mumbai 400 037. ... **Respondents**

ORDER (Oral)
Per : Shri R. Vijaykumar, Member (A)

Heard the learned counsel for the
Applicants.

2. The Applicants have sought benefits in view of pay fixation and the pay fixation made during the 5th Pay Commission. This matter had been considered at an earlier stage by this Tribunal in OA No.266/2012 which was decided on 06.12.2013 and respondents were directed to reconsider the request of applicants on upgradation of their post w.e.f that date and for suitable fixation under the terms of the 5th Pay Commission. The Respondents have passed the impugned order dated 17.11.2015 after which, the applicants have stated that they have not agitated the matter in a legal forum but have been filing representations dated

24.08.2017, 26.10.2017 & 08.03.2018 with the respondents and no reply has been received.

Since these representations have not been dealt with by the respondents on the detailed aspects contained therein, the respondents are directed to consider the pending representations of the applicants and pass a reasoned and speaking order within a period of twelve weeks from the date of receipt of certified copy of this order. The order so passed shall then be communicated to the applicants within two weeks thereafter. It is made clear that this Tribunal has not made any observations on the merits of the case nor on the legal aspects of delay.

3. In the aforesaid terms, the OA is disposed of. MA Nos.07/2019 & 08/2019 accordingly stand closed. No order as to costs.

(R.N. Singh)
Member (J)

(R.Vijaykumar)
Member (A)

dm.

J.W.

