

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH
CIRCUIT SITTING AT RANCHI
OA/051/00432/2018**

Reserved on : 18.12.2019
Pronounced on: 19.12.2019

C O R A M

**HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER
HON'BLE MR. SWARUP KUMAR MISHRA, JUDICIAL MEMBER**



1. Jagdish Prasad, Son of Late Ram Dutta Prasad, aged about 75 years, resident of Qtrs. No. A/4, Bhuli, PO & PS- Bhuli, District- Dhanbad- 828104.
2. Hira Nath Thakur, son of Late Kameshwar Thakur, aged about 78 years, resident of Qtrs. No. A/249, Bhuli, PO & PS- Bhuli, District- Dhanbad- 828104.
3. Mushahari Mahato, son of Late Laxman Mahato, aged about 78 years, resident of Qtrs. No. A/232. Bhuli, PO & PS- Bhuli, District- Dhanbad- 828104.
4. Chinta Debi, wife of Late S.P. Verma, aged about 68 years, resident of Qtrs. No. A/272, Bhuli, P.O. & P.S.- Bhuli, District- Dhanbad- 828104.
5. N.C. Bauri @ Nibaran Chandra Bauri, son of Late Lilu Bauri, aged about 76 years, resident of Qtrs. No. A/149, Bhuli, PO & PS- Bhuli, District- Dhanbad- 828104.
6. Ram Gobind Ram, son of Late N. Ram, aged about 76 years, resident of Qtrs. No. A/280, Bhuli, PO & PS- Bhuli, District- Dhanbad- 828104.
7. Ayesha Begum, wife of Late Azeez Rahman, aged about 58 years, resident of Qtrs. No. A/24, Bhuli, PO & PS- Bhuli, District- Dhanbad- 828104.
8. Manju Rani Singh, wife of Late N.M. Singh, aged about 68 years, resident of Qtrs. No A/33, Bhuli, P.O.& P.S. Bhuli, District-Dhanbad, 828104.
9. Kritya nand Jhas, son of Late N. Jham aged about 71 years, resident of Rangani Basti, Bhuli, PO D Block, PS- Bhuli, District- Dhanbad- 828104.
10. Rajendra prasad Rai, son of Late N. Jagarnath Rai, aged about 73 years, resident of Qtrs. No. B/229, Bhuli, PO & PS- Bhuli, District- Dhanbad- 828104.



11. Fulmani Rajwarin, wife of Late Ram Lakhan Rajwar, aged about 74 years, resident of Qtrs. No. B/95, Bhuli, PO & PS- Bhuli, District- Dhanbad- 828104.
12. Md. Hazun Idrisi, son of Late Wali Mohammad, aged about 71 years, resident of Qtrs. No. B/319, Bhuli, PO & PS- Bhuli, District- Dhanbad- 828104.
13. Bindheshwari Dusadh, son of Late Gobardhan Dusadh, aged about 72 years, resident of Qtrs. No. A/279, Bhuli, PO & PS- Bhuli, District- Dhanbad- 828104.
14. Asha Sinha, wife of Late D.K. Sinha, aged about 64 years, resident of Asha Niketan, New Bank Colony Steel Gate, P.O. & PS & District- Dhanbad- 823001.
15. Rajendra Prasad, son of Late Chandrika Prasad, aged about 74 years, resident of Qtrs. No. A/251, A Block, Bhuli Nagar, PO & PS- Bhuli, District- Dhanbad- 828104.
16. Lalan prasad, son of Late Laxmi Lal, aged about 78 years, resident of Qtrs. No. A/270, Bhuli PO & PS- Bhuli, District- Dhanbad- 828104.

.... Applicant.

By Advocate: - Mr. P. Gangopadhyay

-Versus-

1. The Union of India through the Secretary, Ministry of Coal, Government of India, New Delhi, Sansad Marg- 110001.
2. The Officer on Special Duty, Ministry of Coal, Government of India at & PO- Jagjiwan Nagar, District- Dhanbad- 823001.
3. The Pay and Accounts Officer, Central Pension Accounting Office, Ministry of Finance, Department of Expenditure, Government of India, Trikoot II, Bhikaji Cama Place, R.K. Puram, New Delhi- 110012.
4. The Regional Pay and Accounts Officer Ministry of Coal, Government of India at and PO- Jagjiwan Nagar, District- Dhanbad- 823001.
5. The Senior Accounts Officer, Ministry of Coal, Government of India, At and PO- Jagjiwan Nagar, District- Dhanbad- 823001.

.... Respondents.

By Advocate(s):- Mrs. Babita Bharti

ORDER

Per Dinesh Sharma, A.M:- The instant OA is filed by 16 retired/dependent of the retired employees of Coal India Limited mostly in the age group of 70 years and above praying for grant of Dearness

Relief along with entire arrears. The applicants have admitted in their OA that they had earlier approached this Tribunal and got an order in OA 717 of 2012 directing the respondents to grant the applicants same benefit as were granted to similarly situated persons provided they applied within a certain time limit. The applicants have also admitted that following non compliance of these orders they have approached this Tribunal under CCPA 45/2013. However, this contempt action was dropped due to misleading by the respondents by filing a letter dated 02.07.2013 (Annexure A/5) where they showed further willingness to re-examine the applicant's case if they provided certain details specified in that letter. The order of this Tribunal dropping contempt action granted liberty to the applicants to file further details as asked for by the respondents and if they did so the respondent authorities were directed to consider the case and pass reasoned and speaking order within a period of four months from the date of receipt of relevant documents (order of this Tribunal in CCPA 45/2013 is at Annexure A/3). The applicants have alleged that they have approached the respondent authorities by filing a petition dated 08.11.2014 stating that the required information asked from them is available with the respondents and they should process the matter for according sanction of payment at an earliest date. Thus, briefly summarized the claim of the applicant is that they should be granted the dearness relief as claimed by them without seeking any further information from the applicants and on the basis of the information available with them.



2. Despite giving ample opportunities no written statement has been filed by the respondents. After going through the pleadings, it is clear that this matter has already been agitated before us in OA 717/2012 and the Tribunal had already decided the matter by its order dated 22.08.2012. Hence, the matter is apparently hit by the principle of res-judicata. We also notice that the contempt action taken on the alleged non-compliance of this order has also been dropped by this Tribunal by its order dated 11.04.2014. The applicants have now argued that the respondents had misled this Tribunal by stating that they were willing to re-examine the cases if certain further details were provided by them. The applicants have now categorically stated that they have got no further details to produce as the details sought by the respondents in their letter dated 02.07.2013 (Annexure-A-5) should already be available with the respondents. They have also alleged that the above-mentioned letter is contradictory since it states, on one hand, that the banks are authorized to release dearness relief on their own, on the other hand, it is seeking further details for re-examining their case. After examining all these aspects, we are convinced that though this matter has been adjudicated earlier by this Tribunal the issue about re-examination of the claims of the applicant as promised in the letter cited t Annexure A/5 is still remaining unsettled. While the applicants have alleged that there is no further information which needs to be given by them the respondents have not filed any written statement to deny this claim. Under these circumstances, taking into account that the applicants are all very senior citizens who have been agitating this matter before this Tribunal for a



very long time and since the respondents have chosen not to respond to this application, we are constrained to direct the respondents to re-examine the case of each and every applicant on the basis of the available documents with them and inform each of them by a reasoned and speaking order why the dearness relief claimed by them cannot be granted on the basis of such available documents. This should be done within a period of three months of receipt of this order. The OA is disposed of accordingly. No order as to costs.



[Swarup Kumar Mishra]
Judicial Member

[Dinesh Sharma]
Administrative Member

Srk.