

(2020) 09 CAT CK 0082

In the Central Administrative Tribunal

Case No : Original Application No. 1347 Of 2020, Miscellaneous Application No. 1692, 1693 Of 2020

Kanta And Others

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 23-09-2020

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2020) 09 CAT CK 0082

Hon'ble Judges : R.N. Singh, Member (J); Mohd. Jamshed, Member (A)

Bench : Division Bench

Advocate : M.K. Bhardwaj, Y.P. Singh

Final Decision : Disposed Of

Judgement

R.N. Singh, Member (J)

1. The present Application under Section 19 of the Administrative Tribunals Act, 1985, has been filed by the applicants, 51 in number, seeking the following reliefs:-

"(a) the Respondents No. 1&2 i.e. Secy., Ministry of Health & Family Welfare And CMD MTNL may kindly be directed to revise/calculate the rate and ward facility of the Applicants on or after retirement, on the basis of current CDA pay corresponding to the last IDA Pay, on surrendering of MTNL medical facility by the applicants and grant the CGHS rate and ward entitlement accordingly.

The directions may kindly be given to the respondent No.2 to issue the revised LPC by mentioning the corresponding CDA Pay, CDA Pay Scale Level and on the basis of revised LPC the CGHS contribution and Ward entitlement may be upgraded by Respondent No. 1 in terms of its own order.

(b) any other further relief which this Hon'ble Court deems fit and proper may also be given in favour of the Applicants and against the respondents."

2. Shri Bhardwaj, learned counsel for the applicants, submits that in OA No.2515/2017 an identical issue was raised by the applicants therein and this Tribunal vide Order/Judgment dated 12.9.2019 has disposed of the said OA. The operative portion of the said Order dated 12.9.2019 reads as under:-

"8. In view of the facts and circumstances involved in the case, we direct the respondents to treat the representations filed in the OA as such and to consider each case of the applicants separately on the basis of their representations and pass a reasoned and speaking order within a period of 90 days of receipt of a certified copy of this order. In case they find a case made out for any revision of category of entitlement of CGHS facility in service/retirement, the respondents shall pass order accordingly revising their entitlement of CGHS facility.

9. With the above directions, the OA is disposed off. No order as to costs."

3. Learned counsel for the applicants further argues that for redressal of the grievance, the applicants have preferred their representations and the same are still lying pending consideration of the respondents.

4. Issue notice.

5. Shri Y.P. Singh, learned senior Central Govt. standing counsel, who appears on advance service, accepts notice on behalf of the respondents.

6. At this stage, Shri Bhardwaj, learned counsel for the applicants submits that the present OA may be disposed of at this very stage with direction to the respondents to consider the pending representations of the applicants and to dispose of the same by passing an appropriate reasoned and speaking order. To such request of the learned counsel of the applicant, learned counsel for the respondents has no objection.

7. In view of the aforesaid, without going into the merit of the claim of the applicants, the present OA is disposed of with direction to the respondents to consider the pending representations of the applicants keeping in view the Order/Judgment of this Tribunal dated 12.9.2019 in OA No.2515/2017 and to dispose of the same by passing an appropriate reasoned and speaking order as expeditiously as possible and in any case within eight weeks of receipt of a copy of this Order.

8. The pending MAs also stand disposed of accordingly. However, in the facts and circumstances, no order as to costs.