



IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: January 10, 2024

+ W.P.(C) 5043/2019 & CM APPL. 22340/2019

**ASSOCIATION OF RADIO & TELEVISION ENGINEERING
EMPLOYEES & ANR**

..... Petitioners

Through: Mr. Manish Bishnoi &
Mr. Hitesh, Advs.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. S.M. Arif, Adv. for R-2 & R-3

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

V. KAMESWAR RAO, J

1. This petition has been filed by the petitioners / Association of Radio & Television Engineering Employees challenging the order dated October 9, 2018, passed by the Central Administrative Tribunal, Principal Bench, New Delhi ('Tribunal', for short) in Miscellaneous Application No.3612/2018 ('MA', for short) in Original Application No.2575/2018 ('OA', for short) whereby the Tribunal has dismissed the application.

2. The petitioners filed the application before the Tribunal seeking modification of the interim order dated July 13, 2018, so that the same enure to the benefit of the members of the Association.



3. It was the case of the petitioners in the MA that, Rule 4 (5) (a) and (b) of the Central Administrative Tribunal (Procedure) Rules, 1987, enables an Association to file an OA espousing the cause of its members, along with at least one individual affected employee and hence, the Tribunal could not have rejected the MA.

4. The case of the respondents before the Tribunal was that the Association is not recognised and the interim order dated August 13, 2018, cannot be extended to the Association or to its members. It was further stated that the respondents recognised the Association but as on date no Association is recognised by Director General, All India Radio. It was also stated by the respondents that, they are not recovering any amount from any employee including from the alleged members of the Association. The respondents have also raised the contention that as per the enclosed list of members in the Association, i.e., 4600 members who are posted all over the country, it is not possible for the respondents to verify the whereabouts and individual service particulars.

5. The Tribunal while deciding the MA has held as under:

“8. In our view, Rule 4(5)(b) of CAT (Procedure) Rules, 1987, enables an Association to join along with affected individual employees to espouse the common cause. But it cannot be said that the members of the said Association, who were not parties in their individual capacity before the Tribunal, are also entitled for any individual reliefs, automatically.

9. It is also seen that this Tribunal on 13.07.2018 only restrained the respondents from taking any coercive steps against the individual applicants in the OA. No such order can be passed in respect of the Association.”



6. We have seen the impugned order dated October 09, 2018, paragraph 7 of the same is reproduced as under:

“7. On the Other hand, Mrs. Anupama Bansal and Shri S.M. Arif, learned counsel appearing for the respondents submits that though the applicant No.2 Association is a Registered Association, but not a recognized Association and hence the interim order dated 13.07.2018, cannot be extended to either to the Association or its members. They further submit that though earlier the respondents were recognizing the Associations but as on today, no Association is recognized by the Director General, All India Radio. They also submit that the respondents are not recovering any amount from any employee, including from the alleged members of the 2nd applicant Association. As per the Annexure-A to the instant MA, list of members who are about 4600 are posted all over the country and it is not possible to verify their whereabouts and individual service particulars and any general order passed may lead to unwarranted filing of umpteen contempt cases. Accordingly, they pray for dismissal of the MA.”

(emphasis supplied)

7. From the perusal, it is clear that the respondents have submitted that they are not recovering any amount from any employee including the alleged members of the petitioner Association. If that be so, nothing further was required to be considered by the Tribunal except taking the submission of the respondents on record and dispose of the MA. This petition has been filed because the Tribunal has finally dismissed the M.A.

8. Be that as it may, in view of the stand taken by the respondents that they are not recovering any amount from any employee including from the members of the petitioner Association, we by taking the stand



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on record, dispose of the petition.

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9. In view of the above, this application is dismissed as infructuous.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JANUARY 10, 2024/aky