

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 281/91
T.A. No.

DATE OF DECISION 07/10/1992

Shri Dipak Jain _____ Petitioner

Mr. Shailesh Brahmbhatt _____ Advocate for the Petitioner(s)

Versus

Union of India & others _____ Respondent

Mr. Akil Kureshi _____ Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V. Krishnan
Vice Chairman

The Hon'ble Mr. R.C. Bhatt
Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

Shri Dipak Jain,

Quarter No.C-5,

Gopalpuri

Gandhidham - Kutchh.

....applicant

(Advocate : Mr.Shailesh Brahmbhatt)

versus

1. The Chief Labour Commissioner (Central)

Rafi Marg,
Shram Shakti Bhavan,
New Delhi.

2. Regional Labour Commissioner (Central)

Shram Bhavan,
Ahmedabad.

....respondents

(Advocate : Mr.Akil Kureshi)

O R A L O R D E R

O.A./281/91

Date : 07/10/1992

Per : Hon'ble Mr.R.C.Bhatt

Member (J)

1. This application is filed by the

applicant under section 19 of the Administrative

Tribunal Act, seeking the reliefs that the respondents

be directed to treat the applicant's services as continuous and to consider his services with ~~the~~ Central Government as eligible for pensionary benefits on the retirement from Kandla Port Trust, and has also prayed to restrain the respondents from ~~for~~ ~~forfeiting~~ services rendered by the applicant, with the respondents for the purpose of pensionary benefits and that the respondents be directed to bear the pensionary liability in respect of the applicant and the respondents be directed to compute it on the basis that the services rendered by the applicant with the Central Government is tagged with the services rendered by him with Kandla Port Trust and to pay to him benefits on that basis.

2. The respondents have not filed reply.
3. At the time of hearing of this application, learned advocate for the respondents has produced two letters dated 15th July, 1992 and 18th September, 1992 respectively addressed to him by the Regional Labour Commissioner "C" A'bad, which may be exhibited Annexure A/1 and A/2 respectively.

The learned advocate of the applicant has perused these two letters and was satisfied that the applicant by virtue of these letters gets the reliefs

which he has prayed in the original application, because in the letter dated 18th September, 1992 it is mentioned that the Government is prepared to pay full pensionary benefits to Shri Dipak Jain, Ex. Labour Enforcement Officer "C" A'bad and that the necessary action for making payment of pensionary benefits to Kandla Port Trust for the period Shri Dipak Jain worked in this department is being taken.

4. Therefore, according to the learned advocate for the applicant, this letter shows that the respondents have decided to give the benefits of the pension to the applicant for the period he served in C L C 'S Organization as Labour and Enforcement Officer (Central) before his appointment in Kandla Port Trust and necessary action for making payment of pensionary benefits to Kandla Port Trust for the period, the applicant worked in this department is being taken. In this view of the matter, learned advocate for the applicant submitted that the direction be given to the respondent No.2 to take steps for making payment of pensionary benefits to Kandla Port Trust within the period of 3 months of the receipt of this order.

5. Learned advocate for the respondents

submits that earlier decision taken by the respondents to the contrary has been re-considered later on in pursuance of which two letters Annexure A/1 and A/2 have been written ~~and~~ which are not produced in this case. Hence, the following order is passed.

6.

O R D E R

The application is allowed to the extent that the respondent No.2 is directed to take further action for making payment of pensionary benefits to Kandla Port Trust for the period, applicant worked in this department, within 3 months from the date of receipt of this order, in view of the letters in Annexure A/1 dated 5th July, 1992 and Annexure A/2 dated 18th September, 1992 addressed to Regional Commissioner, A'bad. No order as to costs.

R.C.Bhatt

(R.C.BHATT)

MEMBER (J)

N.V.Krishnan

(N.V.KRISHNAN)

VICE CHAIRMAN

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