

NO
Regularisation
of Appointment

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. /513/92
T.A. No.

DATE OF DECISION 20-4-93

Smt. Kamala W/o Atta Baber Petitioner

P IN P Advocate for the Petitioner(s)

Versus

Union of India & others Respondent

Mr. N.S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt

: Judicial Member

The Hon'ble Mr.

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 ? ✓

Smt.Kamala Watta Baber
Represented ugh
S.Natesan
Secretary Railway Employees Union-
Mehmadabad Bra

....applicant

Party in person.

versus

1. Union of India, notice to be served through General Manager, (Establishment) Western Railway Heard Quarter office, Churchgate, Bombay-400 020.
2. Divisional Railway Manager (Establishment), Western Railway, Pratapnagar, Vadodara-390 004.

...respondents

Advocate : Mr.N.S.Shevde.

ORAL ORDER

O.A./513/92

Date: 20-4-1

Per : Hon'ble Mr.R.C.Bhatt,
Judicial Member.

None is present for the applicant.
Shri N.S.Shevde, present for the respondents. None remained present on 15-1-93, 29-1-93, 9-3-93, 16-3-93, 7-4-93.
Hence, this application is dismissed for default.

R.C.Bhatt
(R.C.Bhatt)
Judicial Member

Date

Office Report

Order

28-10-93

Mr.K.K.Shah is present for the applicant. The applicant has filed M.A.547 of 1993 for setting aside the order of dismissal of O.A.513/92 on 20-4-93. Mr.N.S. Shevde is present for the respondents. We are satisfied with the grounds mentioned in the M.A. for absence of the applicant and hence, we allowed this M.A. and ~~setting~~ set a side the order of dismissal of O A O.A.513/92. and restored it to file. Now the matter be listed for admission. MA. is disposed of.

M.R. Kolhatkar

(M.R.KOLHATKAR)
Member (A)

R.C. Bhatt

(R.C.BHATT)
Member (J)

ssh

5-11-93



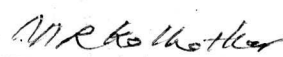
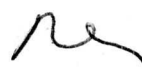


Though, at the time of hearing of M.A.547/93, for restoration of O.A.513/92, Mr.Shah was present for the applicant and we allowed the M.A. today, the O.A. is for admission but the record does not show the 'VAKALATNAMA' of Mr.Shah for the applicant. In the interest of justice, we keep the matter on 11-11-93 and by that time if the applicant wants to engage Mr.Shah or any ^{of} learned advocate, 'VAKALATNAMA' should be produced, failing which the matter will be considered as if there is no appearance by advocate in this matter.

M.R. Kolhatkar Call on 11-11-93.





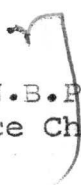
(M.R.KOLHATKAR)
Member (A)

R.C. Bhatt
(R.C.BHATT)
Member (J)

Res Sube
MP is not filed
by Mr. K.K. Shah
ATP/R
Sa/U

Date	Office Report	Order
11.11.93		None is present for the applicant. Adjourned to 22-11-93.
		<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">  (M.R. Kolhatkar) Member (A) </div> <div style="text-align: center;">  (R.C. Bhatt) Member (A) </div> </div>
13/12/93		No advocate has filed appearance
22-11-93		None is present for the applicant. Adjourned to 13-12-93.
		<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">  (M.R. KOLHATKAR) Member (A) </div> <div style="text-align: center;">  (R.C. BHATT) Member (J) </div> </div>
13/12/93		ssh
	<p>Res sub The appli. is informed under certificate of postal on 23-12-93</p> <p><u>Arund</u> 20/11/21-1-94</p>	<p>No advocate has filed appearance for the applicant. The applicant is also not present. The applicant may be informed under certificate of posting that the matter now will be taken up for admission hearing on 24.1.1994.</p>
		<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">  (K. Ramamoorthy) Member (A) </div> <div style="text-align: center;">  (N.B. Patel) Vice Chairman </div> </div>
		a.a.b.

CA/513/92


Date	Office Report	Order
24-1-94		<p>other As the Member of the ... is not available, the matter is adjourned to 25/1/94.....</p> <p> K. RAMAMOORTHY MEMBER (A)</p> <p>Applicant is not present.</p>
25-1-1994	<p>Notice issued on 3-2-94. Affidavit not filed in registry. Blafan- 7-3-94</p>	<p>Notice returnable on 8-3-1994. The respondent to disclose on affidavit of any responsible and conversant officer as to whether any person junior to the applicant's husband was confirmed from the date prior to the date of the death of the applicant's husband. This direction may be mentioned in the notice.</p> <p> (K. Ramamoorthy) Member (A)</p> <p> (N.B. Patel) Vice Chairman</p> <p>AS.</p>
8-3-94	<p>Reply not filed. Blafan- 28-3-94</p>	<p>Applicant is not present. Adjourned to 29-3-94, at the request of Mr. Shevde for filing reply and complying with the directions dated 25-1-94.</p> <p> (K. Ramamoorthy) Member (A)</p> <p> (N.B. Patel) Vice Chairman</p> <p>AS*</p>


29-3-1994

Mr. K.K. Shah & files appearance for the applicant. Reply is not filed nor is the query raised on 25-1-1994 replied to.

Admitted. Fixed for final hearing on 28-4-94

Mr. Shevde states that he will file reply latest by 15-4-1994 before the office incorporating therein the reply to the aforesaid query.

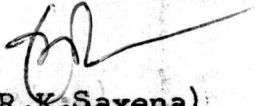

(K. Ramamoorthy)
Member (A)



(N.B. Patel)
Vice Chairman.

*AS.

28-4-94

None for the parties. In the interest of justice, the case is adjourned to 8th June, 1994.



(Dr. R.K. Saxena)
Member (J)

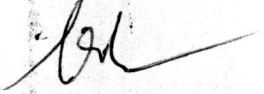

(V. Radhakrishnan)
Member (A)

vtc.








8/6/94


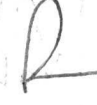
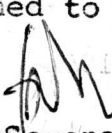
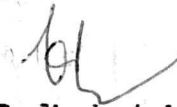
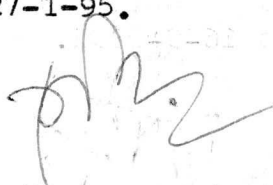



None present for the parties. In the interest of justice, adjourned to 15/7/94.




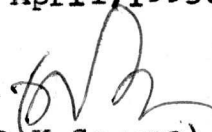

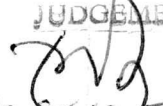
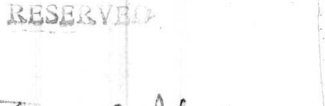

(Dr. R.K. Saxena)
Member (J)




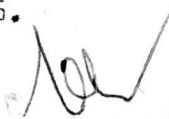

(V. Radhakrishnan)
Member (A)

*ssh

Date	Office Report	ORDER
15-7-94	<p>Mr. K.K. Shah has not filed Vakalatnama, ∴ his name is not notified in the Cause-list.</p>	<p>At the request of Mr. K.K. Shah adjourned to 3-8-94.</p> <p style="text-align: center;"></p> <p>(Dr. R.K. Saxena) Member (J)</p> <p>*AS!</p> <p style="text-align: right;"></p> <p>(K. Ramamoorthy) Member (A)</p>
3-8-94	<p>CBHgn 218/94</p>	<p>At the request of Mr. K.K. Shah adjourned to 12-9-1994.</p> <p style="text-align: center;"></p> <p>(Dr. R.K. Saxena) Member (J)</p> <p>*AS.</p> <p style="text-align: right;"></p> <p>(K. Ramamoorthy) Member (A)</p>
12-9-94		<p>At the request of Mr. K.K. Shah, adjourn to 16-9-1994.</p> <p style="text-align: center;"></p> <p>(Dr. R.K. Saxena) Member (J)</p> <p style="text-align: right;"></p> <p>(K. Ramamoorthy) Member (A)</p> <p>vtc.</p>
16-9-94		<p>As the other Hon'ble Member is not available, adjourned to 7-10-1994.</p> <p style="text-align: right;"></p> <p>(K. Ramamoorthy) Member (A)</p> <p>vtc.</p>

Date	Office Report	ORDER
7-10-94		<p>None present for the applicant. Adjourned to 27-10-1994.</p> <p> (Dr. R.K. Saxena) Member (J)</p> <p> (K. Ramamoorthy) Member (A)</p>
27.10.94.		<p>*AS. None present for the applicant. Mr.N.S.Shevde for the respondents present. Adjourned to 02.12.1994.</p> <p> (Dr.R.K.Saxena) Member(J)</p> <p> (V.Radhakrishnan) Member(A)</p>
2-94		<p>ait. None present for the applicant. Mr.Shevde is present for the respondents. Adjourned to 27-1-95.</p> <p> (Dr. R.K.Saxena) Member (J)</p> <p> (V. Radhakrishnan) Member (A)</p>
7.1.95		<p>ssh" Adjourned to 13.2.1995 at the request of Mr.Shevde. Notice may be sent to the applicant, party-in-person regarding date of hearing.</p> <p> (Dr.R.K.Saxena) Member (J)</p> <p> (V.Radhakrishnan) Member (A)</p> <p>npm</p>

Date	Office Report	Order
13.2.95		<p>None present for the applicant.</p> <p>Last opportunity is given to the applicant. Notice may be sent ^{next} immediately regarding date of hearing which is fixed on 20th March, 1995.</p> <p> (Dr. R.K. Saxena) Member (J)</p> <p> (V. Radhakrishnan) Member (A)</p> <p>apm</p>
20.3.95		<p>Adjourned to 28th March, 1995 at the request of Mr. N.S. Shevde.</p> <p> (V. Radhakrishnan) Member (A)</p> <p>apm</p>
28.3.95		<p>Time being over, adjourned to 18th April, 1995.</p> <p> (Dr. R.K. Saxena) Member (J)</p> <p> (V. Radhakrishnan) Member (A)</p> <p>z/npm</p>
18-4-95		<p>HEARD LEARNED ADVOCATE FOR THE APPLICANT & RESPONDENT JUDGMENT RESERVED</p> <p> (Dr. R.K. Saxena) Member (J)</p> <p> (V. Radhakrishnan) Member (A)</p> <p>P.T.V.</p>

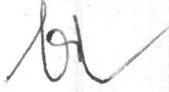
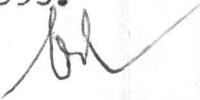

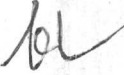

Date	Office Report	Order
27.4.95		<p>At the request of Mr.K.K.Shah, and with the consent of Mr.N.S.Shevde the matter is fixed for re hearing on 5th May,1995.</p> <p> (V.Radhakrishnan) Member (A)</p>
5.5.95		<p>None present for the parties when the matter was called out.</p> <p>Adjourned to 10.5.1995.</p> <p> (V.Radhakrishnan) Member (A)</p>
10-5-1995		<p>Party in person is not present. Adjourned to 5-6-1995.</p> <p> (V. Radhakrishnan) Member (A)</p>
5.6.95		<p>At the request of Mr.N.S.Shevde the matter is adjourned to 15th June,1995.</p> <p> (V.Radhakrishnan) Member (A)</p>

*AS.

npm

Date	Office Report	Order
13.2.95		<p>None present for the applicant. Last opportunity is given to the applicant. Notice may be sent ^{next} immediately regarding date of hearing which is fixed on 20th March, 1995.</p> <p>(Dr. R. K. Saxena) (V. Radhakrishnan) Member (J) Member (A)</p> <p>npm</p>
20.3.95		<p>Adjourned to 28th March, 1995 at the request of Mr. N. S. Shevde.</p> <p>(V. Radhakrishnan) Member (A)</p> <p>npm</p>
28.3.95		<p>Time being over, adjourned to 18th April, 1995.</p> <p>(Dr. R. K. Saxena) (V. Radhakrishnan) Member (J) Member (A)</p> <p>z/npm</p>
18-4-95		<p>ADVOCATE FOR THE APPLICANT & RESPONDENTS JUDGEMENT RESERVED.</p> <p>(Dr. R. K. Saxena) (V. Radhakrishnan) Member (J) Member (A)</p> <p>P.T.O.</p>

Date	Office Report	Order
27.4.95		<p>At the request of Mr.K.K.Shah, and with the consent of Mr.N.S.Shev the matter is fixed for re hearing on 5th May,1995.</p> <p>(V.Radhakris hnan) Member (A)</p>
5.5.95		<p>None present for the parties when the matter was called out. Adjourned to 10.5.1995.</p> <p>(V.Radhakrishnan) Member (A)</p>
10-5-1995		<p>^{npm} Party in person is not present. Adjourned to 5-6-1995.</p> <p>(V. Radhakrishnan) Member (A)</p>
5.6.95		<p>*AS.</p> <p>At the request of Mr.N.S.Shevde the matter is adjourned to 15th June,1995.</p> <p>(V.Radhakrishnan) Member (A)</p> <p>npm</p>

Date	Office Report	ORDER
15.6.95		<p>As Rejoinder has been filed by Mr.K.K.Shah on behalf of the applicant, copy has been given to Mr.Shevde and Mr.Shevde seeks time to examine the rejoinder and give reply and accordingly adjourned the matter to 29th June.</p> <p style="text-align: right;"> (V.Radhakrishnan) Member(A)</p>
29.6.95		<p>None present for the applicant. Adjourned to 13.7.1995.</p> <p style="text-align: right;"> (V.Radhakrishnan) Member(A)</p>
13.7.95		<p>ait.</p> <p>At the request of Mr.N.S.Shavde, the matter is adjourned to 20/7/95.</p> <p style="text-align: right;"> (V.Radhakrishnan) Member</p>
20.7.95		<p>a.npm</p> <p>At the joint request of both the learned advocates, adjourned to 25.7.1995.</p> <p style="text-align: right;"> (V.Radhakrishnan) Member(A)</p>
25/7/95		<p>vtc.</p> <p>HEARD LEARNED ADVOCATE FOR THE APPLICANT AND RESPONDENTS THE ORAL ORDER PRONOUNCED IN OPEN COURT</p> <p style="text-align: right;"> (V. Radhakrishnan) Member</p>

Date	Office Report	ORDER
15.6.95		<p>As rejoinder has been filed by Mr.K.K.Shah on behalf of the applicant, copy has been given to Mr.Shevde and Mr.Shevde seeks time to examine the rejoinder and give reply and accordingly adjourned the matter to 29th June.</p> <p style="text-align: right;">(V.Radhakrishnan) Member(A)</p>
29.6.95		<p>None present for the applicant. Adjourned to 13.7.1995.</p> <p style="text-align: right;">(V.Radhakrishnan) Member(A)</p>
13.7.95		<p>ait.</p> <p>At the request of Mr.N.S.Shavde, the matter is adjourned to 20/7/95.</p> <p style="text-align: right;">(V.Radhakrishnan) Member(A)</p>
5/7/95		<p>a.npm</p> <p>At the joint request of both the learned advocates, adjourned to 25.7.1995.</p> <p style="text-align: right;">(V.Radhakrishnan) Member(A)</p> <p>HEARD LEARNED ADVOCATE FOR THE APPLICANT AND RESPONDENTS vts. ORAL ORDER PRONOUNCED IN OPEN COURT.</p> <p style="text-align: right;">(V. Radhakrishnan) Member (A)</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. NO. 513 OF 1992 with M.A. 474/95.

~~T.A. NO.~~

DATE OF DECISION 25.7.1995.

Smt. Kamala W/o. Atta Baber, Petitioner

Applicant-in-person.

~~Advocate for the Petitioner(s)~~

Versus

Union of India & Ors.

Respondents

Mr. N.S. Shevde,

Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. V. Radhakrishnan, Admn. Member.

The Hon'ble Mr.

JUDGMENT

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

No

there is sufficient evidence to to prove that her husband was working since 1972. She has also produced certain documents as per Annexure A-3, giving certain information regarding engagement of the employee.

3. The respondents in the reply have stated that the applicant's husband was not regularised and has not absorbed in Railway service before he died on 10.10.87 and hence he is not eligible for any family pension. They have stated that certain employees were screened on 7.1.1987 depending on the number of working days. It is seen from that even persons who were appointed on 27.6.91 and had completed 1256 working days were regularised.

4. It would appear from the documents produced by the applicant that her husband was engaged as far back as 1.5.1972. The respondents have admitted in the amendment to written statement that the applicant's husband had worked in broken spells between 1972 and 1980. It is also well established that for purpose of granting of regularisation broken spells are ignored after grant of temporary status. From the facts and circumstances of the case it is quite evident that the applicant's husband should have been granted temporary status much earlier to the date he was actually granted i.e., 6.11.83. In other words in the total period of service rendered by the applicant is taken into account, his case for screening and regularisation should have come up much before the persons who were screened and regularised. The error should atleast be rectified now. We appreciate the stands taken by the respondents now at

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Smt. Kamala W/o Atta Baber,
through S. Natesan Iyer,
Secretary, Western Railway
Employees Union, Mehmedabad. Applicant.

(Applicant-in-person)

Versus.

1. Union of India, notice to be served through General Manager(E) Western Railway, Headquarter Office, Churchgate, Bombay.
2. Divisional Railway Manager (E) Western Railway, Pratapnagar, Varodara. Respondents.

(Advocate: Mr. N.S. Shevde)

ORAL ORDER

O.A.No. 513 OF 1992
with
M.A.No. 474 OF 1995

Date: 25-7-1995.

Per: Hon'ble Mr.V.Radhakrishnan, Admn. Member.

M.A. allowed. Amendment in written statement is permitted. M.A. stands disposed of accordingly.

2. The case of the applicant is that her husband Shri Atta Baber was initially appointed as casual labour from 1.5.1972 with the respondents and had worked upto 10.10.1987 when he met with an fatal accident and expired on the duty spot. He had been granted temporary status from 6.11.1983. The applicant contends that her husband should have been granted temporary status with effect from 1.11.1972. Further she states in the rejoinder that



this stage in the amendment to the written statement that the case of the applicant's husband requires reconsideration for grant of pensionary benefits in view of the evidence now available regarding number of days worked by him. However, this requires to be done in urgent basis. Accordingly following directions are issued.


5. The respondents shall make an enquiry regarding the initial engagement of the applicant's husband and then arrive at the total number of working days put in by him and passed necessary orders regarding his regularisation with effect from the date his juniors were screened and regularised. They shall accordingly work out the pensionary benefits payable to the deceased employee and consequently the family pension that shall become payable to the applicant. Keeping in view of the economic condition of the applicant this exercise shall be completed expeditiously by the respondents and arrears paid to the applicant within three months from the date of the receipt of this order. With the above directions O.A. stands disposed of. No order as to costs.



(V. Radhakrishnan)
Member (A)

vtc.

MA/793/95 in OA/513/92

Date	Office Report	ORDER
9.2.96	<p>As the Bench Member of the Bench is not available, the matter is adjourned to <u>12.2.96</u></p> <p><i>(D.B. Jhu)</i> COA</p>	
12.2.96		<p><u>MA/793/95 in OA/513/92</u></p> <p>M.A. for extension of time is allowed. Time asked for in MA is granted. MA/793/95 stands disposed of accordingly.</p> <p style="text-align: right;"> (K. Ramamoorthy) Member (A)</p> <p>npm</p>

MA/793/95 in OA/513/92

Date	Office Report	ORDER
9-2-96	As the learned Member of the Bench is not available, the matter is adjourned to..... <u>12-2-96</u>	
12.2.96		<p><u>MA/793/95 in OA/513/92</u></p> <p>M.A. for extention of time is allowed. Time asked for in MA is granted. MA/793/95 stands disposed of accordingly.</p> <p>(K.Ramamoorthy) Member (A)</p> <p>nom</p>