

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

O.A. No. 54/93  
~~T.A. No.~~

DATE OF DECISION 22/11/1993

Vidhyadevi Petitioner  
W/o Late Shri Jaidev Singh

Mr. K. K. Shah Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. B. R. Kyada Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N. B. Patel

: Vice Chairman

The Hon'ble Mr. V. Radhakrishnan

: Member (A)

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 ?

No

Vidhyadevi  
W/o. Late Shri Jaidev Singh,  
Residing at Nimach.  
C/o. Kiran K. Shah, Advocate,  
3, Achalayatan Society, 11  
B/H Memnagar Firestation,  
Navrangpura, Ahmedabad.

(Advocate: Mr. K. K. Shah)

Versus

1. Union of India  
Through:  
Secretary, Ministry of Railways,  
Rail Bhavan,  
New Delhi.
2. The General Manager,  
Western Railway,  
Head Office,  
Churchgate, Bombay-400 020.
3. The Divisional Railway Manager,  
Divisional Office,  
Western Railway,  
Ajmer.
4. Divisional Mechanical Engineer,  
Western Railway,  
Gandhidham.

(Advocate: Mr. B. R. Kyada)

ORAL JUDGMENT

IN

O.A. 54/93

Date: 22/11/93

Per: Hon'ble Mr. N. B. Patel

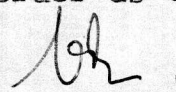
: Vice Chairman


The learned advocates are agreed that this O.A. may be disposed of by issuing suitable directions on the lines of the directions given by the Supreme Court in Civil Appeal Nos. 3930 to 3945 of 1993 decided by it on 12th August, 1993. In this case, the application for having quashed the dismissal order dated 21.2.1981 is made by the widow of the deceased employee, who was dismissed for allegedly <sup>having</sup> participated in Railway Loco-men's strike in 1981. The applicant's husband died on 2.12.85.

Accepting the joint suggestion of the learned advocates and striking down the impugned dismissal order as illegal and void, we dispose of the present O.A. by giving the following directions:

- (1) The applicant, widow of Jidev Singh, shall be paid compensation equivalent to salary inclusive of dearness allowance for the period of three years immediately preceding ~~to~~ 2.12.1985 calculated on the scale of pay prevalent during the said period.
- (2) The deceased shall be given notional continuity from 21.2.1981 to 2.12.1985, although <sup>he would</sup> not be entitled to any promotional benefit.
- (3) Family pension, if otherwise payable to the applicant under the relevant rules, shall be worked out on the basis of the aforesaid direction regarding continuity of service and the same shall also be paid to the applicant from the date of the death of the deceased employee.
- (4) The above directions may be complied with <sup>within three months</sup> by the respondents, from the date of the receipt of a copy of this order.

O.A. stands disposed of accordingly, without any order as to costs.

  
(V. Radhakrishnan)  
Member (A)

  
(N.B. Patel)  
Vice Chairman

D.R.(J)

Below the copy of Supreme Court  
Judgment in civil Appeal Nos. 3930 to 3945 of  
1993 received alongwith the letter of  
P.B., New Delhi dt. 18-10-93 is submitted  
for kind perusal.

Bealor  
28/10/93

After circulation to Hon'ble  
members, this may again be  
placed before me by D.R.(J.)  
Hon'ble V.C. with the numbers of cases  
of this nature pending with  
Hon'ble member (J) W. T. and urgent.  
Shri R.C. Bhatt seen 29/11/93

Hon'ble member (A)  
Shri V. Radhakrishnan

29/11

Hon'ble member (A)  
Shri M.R. Kathatkar

29/11/93

The relevant cases are the following cases  
viz

- (1) O.A. No. 241/85
- (2) O.A. No. 288/91
- (3) O.A. No. 6/93
- (4) O.A. No. 54/93
- (5) O.A. No. 92/93.

The said cases are now fixed on 22/11/93.  
Mr. K. Shetty, appearing for the applicants  
in all the said cases & Mr. Shinde &  
Mr. Jayade appearing for the respondents  
in all the cases are contacted and at their  
suggestion the cases are postponed to  
8/11/93. Accordingly they may be shown on



of the day

The notice Board and matters may be  
placed on the ~~box~~ for hearing.

2/XI/93

NOTE

Letter of the P.B.  
along with J. of the S.C.  
is kept with the file  
of S.C. Judgments  
sent through the P.B.

12/5/94.  
S.O. (T)

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

AHMEDABAD

Application No. OA/54/93 of 199

Transfer Application No. \_\_\_\_\_ Old Writ Pet. NO. \_\_\_\_\_

C E R T I F I C A T E

Certified that no further action is required to be taken  
and the case is fit for consignment to the Record Room (Decided).

Dated : 08/12/93

Counter-signed :

General  
27-12-93  
Section Officer/Court Officer

Sign. of the dealing Assistant.

CAUSE TITLE.....QA/54/93.....OF 198  .

**VERSUS**

40. 2.00

[illegible]