

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 54/93
Tx Ax 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,
Railw 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

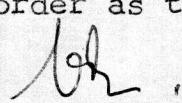
: Vice Chairman

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 ^{having} dismissed for allegedly 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, ^{he would} although L 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 ^{within three months} 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. Radahakrishnan)
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.

Beilor
28/10/93

After circulation to Hon'ble
member, this may again be
placed before me by D.R.(J.)
with the numbers of cases
of this nature pending with
Hon'ble member(s) in view of my
sick leave from 29/10 to 29/11.

Hon'ble member (A)
Shri V. Radhakrishnan

Act. 11

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

Act. 11/11/93

The relevant cases are the following cases,
viz

- (1) O.A. No. 2613/85
- (2) O.A. No. 2887/91
- (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.K. Shah, appearing for the applicants
in all the said cases & Mr. Shrode &
Mr. Leyda appearing for the respondents
in all the cases are contacted and at their
suggestion the cases are postponed to
8/11/93. Accordingly the same may be shown on

other day

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

2) XI/93

NOTE! letter of the P.B

along with S.C of the S.C
is kept with the file
of S.C judgments
and through the P.B.

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

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD

Application No. CA/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 ~~dated~~ :

ANU 27-12-93

Section Officer/Court Officer

Sign. of the ~~dealing~~ Assistant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT NEW DELHI

INDEX SHEET

CAUSE TITLE..... 04/54/93 OF 198□.

**NAMES OF THE
PARTIES.....** Smt. Vidhayashen,
VERSUS

PART A B & C