

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 97/93

~~T.A. No.~~

DATE OF DECISION 22/11/1993

Kaushaliadevi Petitioner
w/o. Late Shri Yashwant Prasad

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

Kaushaliadevi,
W/o Late Shri Yashwant Prasad,
residing at Gandhidham.
C/o.Kiran K.Shah, Advocate,
3, Achalayatan Society, 11,
B/H Memnagar Birestation,
Navrangpura, Ahmedabad.

: Applicant

(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,
Gandhindham.

: Respondents

(Advocate: Mr.B.R.Kyada)

ORAL JUDGMENT

IN

O.A./97/93

Date:22/11/1993

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 4.2.1981, is made by the widow of the deceased employee who was dismissed for ^{having} allegedly participated in Railway Loco-man's Strike in 1981. The applicant's husband


..3..

died on 17.11.1982. 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 Yashwant Prasad, shall be paid compensation equivalent to salary inclusive of dearness allowance for the period from 5.2.1981 to 17.11.1982 calculated on the scale of pay prevalent during the said period.
- (2) The deceased shall be given notional continuity from 4.2.1981 to 17.11.1982, although ^{he would} 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 by the respondents ^{within three months} 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

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

AHMEDABAD

Application No. OA/97/93 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 :

AHREWAP
27-12-93
Section Officer/Court Officer

Sign. of the dealing Assistant. [Signature]

