

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 201/88

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DATE OF DECISION 19.8.93

Shri Prabhakar Balwant Karandikar Petitioner

Shri V.Y. Phadke

Advocate for the Petitioners

Versus

Union of India and others Respondent

Shri A.I.Bhatkar

Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri M.Y.Priolkar, Member (A)

The Hon'ble ~~Smti~~ Smt. Lakshmi Swaminathan, Member (J)

1. ~~Whether Reporters of local papers may be allowed to see the judgement?~~
2. To be referred to the Reporter or not? N
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? N

18
(Lakshmi Swaminathan)
Member (J)

Y
(M.Y.Priolkar)
Member (A)

NS/

(6)

(8)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 201/88

Shri Prabhakar Balwant Karandikar

... Applicant.

V/s.

Union of India through
The Secretary,
Ministry of Personnel
and Training,
Adm. Reforms and Public
Grievances and Pensions,
(Dept. of Pensions and
Pensioner's Welfare)
New Delhi.

The Controller of Accounts
Dept. of Atomic Energy, P.A.O.,
Anushakti Bhawan, C.S.M. Marg.,
Bombay.

The Controller,
Bhabha Atomic Research Centre,
Trombay, Bombay.

... Respondents.

CORAM: Hon'ble Shri M.Y. Priolkar, Member (A)
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Appearance

Shri V.Y. Phadke, counsel
for the applicant.

Shri A.I. Bhatkar for
Shri M.I. Sethna, counsel
for the respondents.

ORAL JUDGEMENT

DATED: 19.8.93

(Per Shri M.Y. Priolkar, Member (A))

This application has been filed in the
year 1988 against the order of the Ministry of Personnel
& Training, Public Grievances and Pension (Dept. of Pension)
dated 21.6.85 regarding treatment of portion of
dearness allowance as part of pay for the purpose
of retirement benefits.

W
9.11.93

Learned counsel for the applicant has
produced before us today a copy of judgement of the
Bangalore Bench of this Tribunal dated 30.10.86
(O.A. 1296 to 1299/86) in the case of Shri B. Ranga
Joshi and 3 ors. Vs. Secretary, Ministry of Finance
and others, in which a similar prayer as that in the

present application has been allowed by the Bangalore Bench. Admittedly, this ~~decision~~ position of the Bangalore Bench has been stayed by the Hon'ble Supreme Court and the case is still pending in the Supreme Court for a final decision.

In the circumstances, the learned counsel for the respondents suggests that this O.A. can be finally be disposed of on ~~his~~ giving an undertaking that when the Supreme Court gives the final decision ~~in this~~ case, that decision will be implemented by the respondents, ^{although} As far as the applicant is concerned, the applicant is not a party in the case pending before the Supreme Court, irrespective of whatever limitations ~~and~~ provisions may be attracted at the time ~~when~~ the final decision is received. This is acceptable to the learned counsel for the applicant and the applicant who is present in the court. Accordingly the learned counsel for the respondents gives such an undertaking. This OA is therefore disposed of finally with the directions that the respondents shall implement the final decision of the Supreme Court as per their above undertaking. The applicant should convey to the respondents the final decision of the Supreme Court as soon as he is aware of the same.

There shall be no order as to costs.

Lakshmi
(LAKSHMI SWAMINATHAN)
MEMBER (J)

M.Y.
(M.Y. PRIOLKAR)
MEMBER (A)

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