

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:325.99

DATE OF DECISION: 24.1.2002

Shri Maruti Rambhaau Khandre Applicant.

Shri J.M. Tanpure Advocate for  
Applicant.

Verses

Union of India and others Respondents.

Shri R.R.Shetty for Shri R.K. Shetty Advocate for  
Respondents

CORAM

Hon'ble Shri S.L.Jain Member(J)

(1) To be referred to the Reporter or not? *yes*

(2) Whether it needs to be circulated to *no*  
other Benches of the Tribunal?

(3) Library.

*yes*

*S.L.Jain*  
(S.L.Jain)  
Member(J)

NS

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 325/99

THURSDAY the 24th day JANUARY 2002

CORAM: Hon'ble Shri S.L. Jain, Member (J)

Maruti Rambhaau Khandre  
Ex- Lascar, Bombay Engineering  
Group and Centre, Kirkee, Pune.  
42/43, Ganesh Peth, Pune.

...Applicant

By Advocate Shri J.M. Tanpure.

v/s

1. Union of India through  
The Secretary,  
Ministry of Defence,  
South Block, New Delhi.
2. The Commandant,  
Head Quarters ,  
Bombay Engineering Group  
and Centre, Kirkee, Pune.
3. The Engineer-in-Chief's Branch  
Elec(4), Army Head Quarters  
DHQ, PO New Delhi.
4. The Controller of Defence Accounts  
Southern Command, Pune.

...Respondents.

By Advocate Shri R.R. Shetty for Shri R.K. Shetty.

ORDER (ORAL)

{Per S.L.Jain, Member (J)}

This is an application under Section 19 of the Administrative Tribunals Act 1985 seeking the relief that the applicant is entitled to pensionary benefits alongwith interest at the rate of 18% per annum.

2. The applicant was appointed as Lasscar (Temp) in the scale of Rs. 750-12-870-EB-14-940 vide appointment order No. 10265/2/V-26/49/A4 dated 18.2.1988. The applicant superannuated on 31.8.1997 after completion of 9 years 6 months and 13 days service on regular group 'D' posts.

*Per S.L.Jain, Member (J)*

3. The applicant claims that he has put in more than 32 years of service, as his claim of 23 years of Casual service under Respondent No.2 with effect from 10.10.1965 has not been disputed till he was appointed as Lascar.

4. The learned counsel for the applicant relied on Rule 14 of CCS (Pension) Rules and the decision of the Government of India mentioned at page 31 of Swamy's Pension compilation ( GI O.M. No. F.12(1)-E V 68 dated 14.5.1968. On perusal of the same OM it has made out that the applicant has rendered the service as Casual labour was paid from contingency, was continuous in employment, in a job which involves whole time employment for which regular post could have sanctioned. The payment was made to the applicant either monthly or daily rates counted on the monthly basis. The service continued followed by absorption on 18.2.1988. As such the applicant is entitled to count 50% of his past service for pensionary benefits.

5. In the result the decision of the respondents Annexure A-1 dated 14.11.1998 which is based on Casual labourers. Grant of temporary status and regularisation scheme of Government of India 1993 cannot be upheld.

6. In the result the order dated 24.11.1998 Annexure A-1 is quashed and set aside and it is declared that the applicant is entitled to count 50% of his past service with effect from 10.10.1965 till 17.2.1988 for Pensionary benefits and after absorption (Full service) with effect from 18.2.1988 till 31.8.1997 for pensionary benefits.

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7. The respondents are directed to complete the said exercise within a period of three months from the date of receipt of copy of the order and pay the pensionary benefits to the applicant within the period of three months. In case of failure to pay the same, interest at the rate of 12% per annum shall be payable by the respondents to the applicant in addition to other rights of the applicant in this respect. No order as to costs.

*S.L. Jain*  
(S.L. Jain)  
Member (J)

NS

*dt. 26.1.2002.*  
Order/Judgement despatched  
to Applicant/Respondent (s)  
on 21.2.2002.

*PS*  
2/3.