

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO:307/2001

DATED THE 20TH DAY OF FEB, 2002.

CORAM:HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)

1. Shri D'britto Elias Benjamin,
Superintendent (Lower Grade) in the
Office of District Rehabilitation Centre,
Virar, Tal. Vasai, Dist.Thane-401 303.
2. Shri Lalit Govind Patil,
Accountant Cum Cashier in the
Office of Dist.Rehabilitation Centre,
Bolinj, Virar(W), Dist.Thane-401 303.
3. Shri Vijay Dattatray Hinurao,
Multipurpose Rehabilitation Technician
In the District Rehabilitation Centre,
Kharodinaka, Deolipada, Bolinj,
Virar(W), Taluka Vasai,
Dist. Thane - 401 303.
4. Shri Anil Dattatray Naik,
Multipurpose Rehabilitation Technician,
In the District Rehabilitation Centre,
Kharodinaka, Deolipada, Bolinj,
Virar(W), Taluka Vasai,
Dist.Thane - 401 303.
5. Miss Kalpana Dattatray Chavan,
Clerk/Typist/Storekeeper in the
District Rehabilitation Centre,
Kharodinaka, Deolipada, Bolinj,
Virar(W), Taluka Vasai,
Dist.Thane - 401 303.
6. Mrs.Kanchan Kiran Purohit,
Assistant in the District
Rehabilitation Centre,
Kharodinaka, Deolipada, Bolinj,
Virar(W), Dist.Thane-401 303.
7. Shri Vilas Raghunathrao Salodkar,
Sr.Ortholic & Prosthetic Engineer,
In the District Rehabilitation Centre,
Kharodinaka, Deolipada, Bolinj,
Virar(W), Dist. Thane - 401 303.
8. Ms.Maya Mohan Chendvankar,
Multipurpose Rehabilitation Worker,
In the District Rehabilitation Centre,
Kharodinaka, Deolipada, Bolinj,
Virar(W), Dist.Thane-401 303.

9. Shri Milind Manohar Rane,
Multipurpose Rehabilitation Therapist,
In the District Rehabilitation Centre,
Kharodinaka, Deolipada, Bolinj,
Virar(W), Dist. Thane - 401 303.
10. Mrs. Roopali B Kanekar,
Occupational Therapist since 3 years,
In the District Rehabilitation Centre,
Kharodinaka, Deolipada, Bolinj,
Virar(W), Dist. Thane - 401 303.
11. Ms. Pushpa Khandu Naik,
Multipurpose Rehabilitation Worker,
In the District Rehabilitation Centre,
Kharodinaka, Deolipada, Bolinj,
Virar(W), Dist. Thane - 401 303.
12. Ms. Jayshri Narhari Agnihotri,
Multipurpose Rehabilitation Assistant,
In the District Rehabilitation Centre,
Kharodinaka, Deolipada, Bolinj,
Virar(W), Dist. Thane-401 303
13. Ms. Pushpa Arvind Joshi,
Multipurpose Rehabilitation Worker,
In the District Rehabilitation Centre,
Kharodinaka, Deolipada, Bolinj,
Virar(W), Dist. Thane - 401 303.
14. Shri Pravin Bhalchandra Vartak,
Fitter(Ear-Mould Technician),
In the District Rehabilitation Centre,
Kharodinaka, Deolipada, Bolinj,
Virar(W), Dist. Thane-401 303.
15. Shri Santosh Sahadev Mohite,
Messenger Sweeper Chaukidar Driver,
In the District Rehabilitation Centre,
Kharodinaka, Deolipada, Bolinj,
Virar(W), Dist. Thane-401 303.
16. Shri Nelson Stefan Decruz,
Messenger-Sweeper-Chaukidar,
In the District Rehabilitation Centre,
Kharodinaka, Deolipada, Bolinj,
Virar(W), Dist. Thane- 401 303.
17. Shri Vijay Baliram Patil,
Public Health Centre Rehabilitation Officer,
In the District Rehabilitation Centre,
Kharodinaka, Deolipada, Bolinj,
Virar(W), Dist. Thane-401 303.
18. Shri Uttam Rajaram Vhatkar,
Multipurpose Rehabilitation Assistant,
In the District Rehabilitation Centre,
Kharodinaka, Deolipada, Bolinj,
Virar(W), Dist. Thane-401 303.

19. Mrs. Usha Balchandra Mhatre,
Multipurpose Rehabilitation Worker,
In the District Rehabilitation Centre,
Kharodinaka, Deolipada, Bolinj,
Virar(W), Dist. Thane- 401 303.
20. Mrs. Vibhavani Vijaykumar Dharmadhikari,
Social Worker Cum Vocational Counsellor,
Cum Psychologist in the
District Rehabilitation Centre,
Kharodinaka, Deolipada, Bolinj,
Virar(W), Dist. Thane - 401 303.
21. Shri Kashinath Mukund Gharath,
Multipurpose Rehabilitation Worker,
In the District Rehabilitation Centre,
Kharodinaka, Deolipada, Bolinj,
Virar(W), Dist. Thane - 401 303.
22. Shri Bhagvan Mahadev Patil,
Multipurpose Rehabilitation Therapist,
In the District Rehabilitation Centre,
Kharodinaka, Deolipada, Bolinj,
Virar(W), Dist. Thane - 401 303.

... Applicants.

By Advocate Shri S.R. Atre

V/s.

1. The Union of India,
Through the Secretary,
Ministry of Social Justice & Empowerment,
4, Shastri Bhavan, New Delhi- 110 001.
2. The Chairman/Secretary,
State Level Advisory Committee,
District Rehabilitation Centre, Virar,
Social Welfare Department,
Government of Maharashtra
Mantralaya, Mumbai-400 032.
3. The Project Director,
District Rehabilitation Centre Scheme,
Ministry of Social Justice & Empowerment,
C.A.C.U, 1PH Complex,
4, Vishnu Digambar Marg,
New Delhi-110 010.
4. The Joint Secretary,
Ministry of Social Justice & Empowerment,
4, Shastri Bhavan, New Delhi-110 001.
5. The Director,
Social Welfare Department,
Maharashtra State,
3, Church Road, Pune.
6. The District Rehabilitation Officer,
District Rehabilitation Centre,
Kharodinaka, Deolipada, Bolinj,
Virar, Taluka Vasai,
Dist. Thane - 401 303.

... Respondents

By Advocate Shri K.R. Yelve for
Shri V.S. Masurkar

...4.

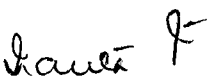
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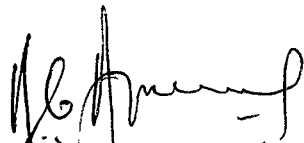
Per Smt. Shanta Shastri, Member(A)

The present case is squarely covered by the judgement of Calcutta Bench of the Tribunal in OA-1241/1996 wherein the Tribunal has held that the applicants of the District Rehabilitation Centre, Midnapore are employees of the Central Government though their salary is being paid as per the scales of the State Government. The OA was allowed with a direction to the respondents to treat the employees as employees of the Central Government and to grant reliefs to the employees in accordance with the rules in respect of salary, provident fund, etc with immediate effect.

2. The learned counsel for the applicant states that this order of the Calcutta Bench has been taken in appeal to the High Court of Calcutta. However, since no stay is granted or any decision as yet given, the judgement of Calcutta Bench is binding on us.

3. We therefore pass the same orders as in the aforesaid OA. The OA is disposed of accordingly. No costs.


(SMT. SHANTA SHASTRI)
MEMBER(A)


(ASHOK AGARWAL)
CHAIRMAN

abp