

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Dated this Thursday the 8th day of August, 2002

Coram: Hon'ble Mr.B.N.Bahadur - Member (A)

O.A.831 of 2001

Bhagaji Gangaram Jadhav,
Working as Cleaner,
Airport Authority of India,
Mumbai.

R/o New A.P.Colony,
E-8/1, Sahar,
Mumbai 400 099.

(By Advocate Shri S.V.Marne)

- Applicant

Versus

1. Union of India
through the Director General of
Civil Aviation,
East Block No.II & III,
R.K.Puram, New Delhi.

2. The Executive Director,
National Airports Authority
of India,
Safdarjung Airport,
New Delhi.

(By Advocate Shri P.M.Pradhan)

- Respondents

ORAL ORDER

By Hon'ble Mr.B.N.Bahadur, Member (A) -

This is an application made by Shri B.G.Jadhav praying
for reliefs as follows:-

(a) That this Hon'ble Tribunal may graciously be pleased to
call for the records of the case from the Respondents and after
examining the same direct the Respondent no.1 to pay to the
Applicant all the pensionary benefits by counting half of the
service rendered by him as Casual Cleaners towards qualifying
service.



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(b) This Hon'ble Tribunal may further be pleased to direct the Respondent No.1 to pay to the applicant the arrears of pensionary benefits w.e.f. 2.10.1989 along with interest @ 12% p.a.

(c) The costs of this application be provided for.

(d) Any other and further orders as this Hon'ble Tribunal may deem fit in the circumstances of the case may be passed.

2. The bare facts of the case are that the applicant was appointed as Casual Labour in Civil Aviation Department of Union Government w.e.f. 1.12.1978, was regularised from 6.2.1980, and was finally absorbed in the National Airports Authority of India w.e.f. 2.10.1989. The Applicant is seeking pensionary benefits by taking into account the period of casual service, also, of course, computing it on the basis of half the actual service rendered on casual basis. This point was strenuously focussed by Shri S.V.Marne who argued the case for the applicant. The learned counsel stated that the period of Casual Labour was one year two months and four days i.e. between 1..12.1978 to 5.2.1980 and the period of regular service was of nine years five months and twenty six days. Half of the casual service being seven months and two days, the total service period will be more than two years.



3. As the pleadings are complete, and the matter is in a short compass, and is covered by two judgments, this OA was taken up for hearing and disposal at the admission stage with the consent of counsel of both sides.

4. I have gone through the papers on record filed by both sides and have heard the learned counsel Shri S.V.Marne for Applicant; and Shri S.S.Karkera appearing on behalf of Shri P.M.Pradhan for the respondents.

5. At the outset, the learned counsel for the Applicant stated that the case is covered by two judgments of this Bench, copies of which he has provided at pages 18 and 26 of the Paper Book. The first judgment was made by a Division Bench in OA 1185/93 (M.D.Shedge Vs. The Secretary, Ministry of Civil Aviation, Directorate General of Civil Aviation, New Delhi delivered on 7.7.1999 and the second judgment is made in OA 230 of 2000 (Arjun Parshuram Dhavale Vs. Union of India & another) on 19.4.2001.

6. Although the learned counsel for the respondents argued the case on the lines of written statement, he could provide no answer to the argument that the case was covered. I have gone through both the judgments carefully. All the points raised on

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behalf of the respondents have been discussed thoroughly in these two judgments and there is no reason for me to disagree with the ratio decided in these judgments.

7. In the result this OA will also have to be allowed on the same basis. The OA is therefore allowed in terms of the orders as below:

O R D E R

Half the period of Casual Labour's service of the applicant shall be counted and added to the regular service performed as Cleaner while the applicant was so working with the Civil Aviation Department. If such period exceeds 10 years, pension and all eligible pensionary benefits as per rules shall be made available to the applicant. The orders in this regard shall be made available to the applicant. The orders in this regard shall be passed within three months from the date of receipt of copy of this order. Arrears will be payable from 1.10.2000 i.e. twelve months prior to the filing of the OA. There will be no orders as to costs.



(B.N. Bahadur)
Member (A)