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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

O.A.669/2001

Dated this Monday the 22nd Day of October, 2001.

Hon'ble Shri Justice B.N. Singh Neelam, Vice Chairman.

1. Madhav Sadashiv Pendse,
Shivganga Society,
685, Budhwar Peth,
Punc - 411002.
2. Mrs. Vinceta G. Godse,
Avantika, Opp. Sangam Press,
Kothrud, Punc-411029.
3. Maharashtra Pensioners Association,
1574, Sadashiv Peth, Chiman Bag,
Tilak Road, Punc-411030. ... Applicants.

(By Advocate Shri S.A. Bhagwat, proxy /
for Shri S.J. Chitale, Advocate)

VERSUS

1. The Union of India, through
the Secretary, Ministry of Personnel,
Public Grievances & Pensions,
Government of India, Sardar Patel Bhavan,
Sansad Marg, New Delhi-110001. ... Respondents.

ORDER (Oral)

[Per : Justice B.N. Singh Neelam, Vice Chairman]

The learned counsel for the applicants on behalf of Shri Madhav Sadashiv Pendse and Mrs. Vinceta G. Godse has filed this application under Section 19 of the Administrative Tribunal's Act, 1985 making a prayer to give directions to the respondents to grant and pay requisite pensionary benefits to applicants no.1 and 2 and to similarly placed members of the Maharashtra Pensioners Association who was similarly circumstanced with effect from their respective date ceasing to be in the employment of Central Government service. It is also submitted that applicant nos.1 and 2 are entitled for ex-gratia payment which as submitted is in no longer res-integra. In support of his contention on behalf of the applicants cases are also cited (i)

M/s.J.K. Cotton Spg. & Wvg. Mills Company Ltd., Kanpur
Vs. State of U.P. and others - AIR 1990 S.C. 1808,
(ii) Smt.Bimladevi V/s. Union of India reported at
1992(2) All India Services Law Journal 310 and a decision
so given by the Hon'ble Chairman, Central Administrative
Tribunal in O.A.671/99 so disposed of on 4.5.2000, a copy
of which is filed and placed at page 16. It ^{is} ~~was~~ also
submitted that as far as the applicant no.2 is ^{only} concerned
though she had completed 14 years of service. ^{But} while
looking into the case of Smt.Bimladevi Vs. Union of
India (Supra) it transpires that even after completion of
more than 10 years of service in such cases gives
entitlement to employee as to ^{avail} ~~full~~ such privilege of
having ^{ex-gratia} ~~ex-gratia~~ payment even in the case of person
resigning. Attention is also drawn to page 15 of this
O.A. wherein the Under Secretary to Government of India
was pleased to reject the representation of Mrs.Vineeta
G. Godse (applicant no.2) as submitted on ^{policy} ~~policy~~ ground.

2. After hearing the learned counsel for the
applicants particularly after going through the original
application so filed with that of Annexures ^{and} ~~and~~ also
keeping in mind the reported cases so cited with that of
^{order} ~~others~~ so passed in O.A.671/99 so disposed of on 4.5.2000
in Smt.Sumati Pandurang Padave Vs. Union of India, ^I ~~I~~ hold
that this matter can be disposed of at this stage itself
while hearing on the point of admission by giving liberty

to the applicants to file representation in consonance with the ^{Confidential} conditions so put in this O.A. within a period of 4 weeks from today before the concerned respondent i.e. Union of India, Secretary, Ministry of Personnel, Public Grievances & Pensions, New Delhi and after receipt of the same the concerned respondent in ^{the} light the representation so made also keeping in mind the cases cited, ~~and~~ dispose of the representation within a period of 3 months from the date of receipt of the same by passing a speaking and reasoned order also scrutinising as to whether the present applicants are having the requisite qualifying service for having such benefit as decided in the reported cases so cited and also orders so passed while disposing of the O.A.671/99 ON 4.5.2000, a copy of this which is placed at page 16. Before parting with the ^{and directions} ~~case the~~ observations made above, the applicant ^{also} shall be at liberty to make a copy of this O.A. ^{available to Respondent} as ready ^{for ready} reference.

Accordingly the matter ~~is~~ stands disposed of with no order as to costs.

M.P.No.805/2001 so filed on behalf of the applicants for grant of leave under rule 4(5) of the CAT Rules, 1987 ^{in the light-} also stands disposed of.

(B.N. SINGH NEELAM)
VICE CHAIRMAN.