

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:329/2001

DATE OF DECISION: 27.11.2001

Smt. Vimal Shantaram Rama Jadhav Applicant.

Shri P.A. Prabhakaran. Advocate for
Applicant.

Verses

Union of India and others Respondents.

Shri S.S. Karkera for Shri P.M.Pradhan. 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 ~~etc~~
other Benches of the Tribunal?

(3) Library. yes

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

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO:329/2001

TUESDAY the 27th day of NOVEMBER 2001

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

Smt. Vimal Shantaram Rama Jadhav
Resident of
4378, Building No. 121
Antop Hill, Sector 7,
Mumbai.

...Applicant

By Advocate Shri P.A. Prabhakaran

V/s

1. Union of India
The Secretary,
Ministry of Information
and Broadcasting,
Shastri Bhavan,
New Delhi.
2. The Director General
AIR and DD Unit
Prasar Bharati Broadcasting
Corporation of India
Akash Vani Bhavan,
Sansad Marg., New Delhi.
3. The Station Director
Prasar Bharati Broadcasting
Corporation of India,
Office of the Station Director
Vividh Bharati Service
All India Radio, L.T. Road,
Borivali, Mumbai. ...Respondents.

By Advocate Shri S.S. Karkera for Shri P.M. Pradhan.

ORDER (ORAL)

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

This is an application under Section 19 of the
Administrative Tribunals Act 1985 seeking the relief as
mentioned in para 8 of the OA. Out of the relief the learned

S.S.K. ...2...

counsel for the applicant stated that relief (A) which is as under relates to this OA and rest of the reliefs are consequential in nature.

The Hon'ble Tribunal be pleased to direct the respondents that services rendered by late Shri S.R. Jadhav as a casual Labourer for 50% of the period 2.10.77 to 22.2.1982 shall be counted as qualifying services for the purposes of all retiral dues.

2. The applicant claims that her husband, Shri S.R. Jadhav initially entered the service of the Respondent No.3 as a Casual Labour on 2.10.1977 on daily rated basis. The respondents by an order No. V.B./1/5/82-5/Gr.'D'/Vol/367/V dated 9.3.1982, regularised the services of Shri Jadhav. Shri Jadhav expired on 27.4.1999. The applicant claims that Shri Jadhav had to his credit a total service of 21 years 6 months and 25 days including 4 years, 4 months, and 20 days as a Casual Labourer.

3. The respondents in para 4 of the written statement have stated that Shri Jadhav was working from 1.5.1979 to 26.2.1982 as a Casual Labourer and thereafter he was absorbed in regular service. It is further stated that the service between 1979 to 1982, the Head Quarter is required to take decision as to whether the said period should be taken into consideration for the purpose of calculation and the same matter has been referred to the Head Office and the decision is awaited. As such the respondents claim that it is not correct to state that petitioner has been denied or otherwise benefit of the said period.

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4. The learned counsel for the applicant relied on the decision of the Government of India decision G.I.M.F. O.M.No.F.12(1)-E,V/68 dated 14.5.1968 and G.I. Dept. of Per. & Trg. O.M. No. 12011/1/85-Estt.(C) dated 10.3.1986.

5. Without recording any findings on the question involved, it is directed that the respondents to take a decision in this respect within a period of two months and communicate the same to the applicant. If the applicant is aggrieved even thereafter, the applicant is free to agitate the matter in accordance with law. In view of the decision arrived by the respondents, consequential reliefs in respect of pension be also considered. No order as to costs.

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

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