

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:488/2001
DATED THE 26TH DAY OF JUNE, 2002**

CORAM:HON'BLE SMT.SHANTA SHAstry, MEMBER(A)

Shri Harishchndra C Mishra,
Working as Chowkidar, under
The Airport Authority of India
Residing at:New Airport Colony,
Opp.Meteorological Office,
Vile Parle(E), Mumbai.

... Applicant

By Advocate Shri S.V.Marne

V/s.

1. Union of India, through
The Director General of
Civil Aviation,
East Block No.II and III,
R.K.Puram,
New Delhi - 110 022.
2. The Executive Director,
National Airports Authority
of India,
Safdarjung Airport,
New Delhi

... Respondents

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

(ORAL)(ORDER)

Per Smt.Shanta Shastry, Member(A)

The prayer of the applicant in this OA is for a direction to the respondents to pay to the applicant the pensionary benefits by taking into consideration half of the service rendered by him as casual chowkidar and pay the arrears of pension with effect from 2/10/1989 together with interest.

2. The applicant is working as Chowkidar in the National Airports Authority of India. Prior to the formation of respondent no.2, the respondent no.1 was carrying on the functions assigned to respondent no.2. The applicant was initially appointed as casual chowkidar with respondent no.1 on 25/8/1978. The respondent no.1 screened the eligible casual

chowkidars in the year 1980 in which the applicant was found fit for regularisation of his services as chowkidar and was thus regularised with effect from 7/2/1980. In the year 1986, the Airports Authority of India was created under the control of Ministry of Civil Aviation. All the employees were initially deputed to respondent no.2 and were absorbed later on. The applicant was also absorbed by respondent no.2 w.e.f. 02.10.1989.

3. According to the applicant he has rendered service as casual chowkidar from 25/8/78 to 1/2/80 and 7/2/80 to 1/10/89. Thus he has put in around 9 years and 9 months of regular service under respondent no.1. It does not qualify him for pension. However, the applicant has put in 1 year and 5 months casual service with the respondent no.1. The applicant points out that 50% of the casual service is allowed to be counted for the purpose of pension and other benefits. The applicant has also referred to a similar relief granted by this Tribunal in OA-1185/1993 which was allowed vide decision dated 7/7/1999 wherein judgement in another identical case had been relied upon (OA-231 & 232/2000 decided on 18/4/2001) where also the relief of counting 50% of casual service has been allowed. The applicant has annexed the relevant judgements.

4. The respondent submit that the applicant's case is covered by the earlier judgement of this Tribunal in OA-232/2000 decided on 18/4/2001. The learned counsel for the applicant

however prays that the arrears should be restricted to the period of one year prior to the date of filing of the O.A. As the applicant's case is fully covered by the case in OA-1189/1993 and 232/2000, the applicant is held entitled for counting of 50% of the casual service rendered as casual chowkidar with Respondent No. 1 for the purpose of pension as prayed for by the applicant.

5. However, the arrears shall be payable only from one year prior to the filing of this OA and not from 2/10/198 as prayed for by the applicant.

6. In the result the OA is allowed. This may be implemented within a period of two months from the date of receipt of copy of this order. No costs.

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(SMT. SHANTA SHAstry)
MEMBER(A)

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