

(B)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

BOMBAY BENCH, BOMBAY.

Review Petition No.47/95

in

Original Application No.255/92.

Shri Nanaji Vithoba Hingurkar. ... Applicant
v/s.

Union of India & Ors. ... Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,
Hon'ble Shri M.R.Kolhatkar, Member(A).

ORDER ON REVIEW PETITION BY CIRCULATION

(Per Shri M.R.Kolhatkar, Member(A)) Dt. 21/3/1995.

This is a review petition against our Judgment dt. 15.12.1994 by which we had dismissed the relief claimed by the applicant to count his service in Tumsar Municipal Council for the purposes of pension in a Central Government department.

Several grounds for review have been urged, the majority of which are repetition of grounds taken in the O.A. which we have already considered. The applicant, however, has relied on following additional case law in support of his case which we consider ^{on the} ~~earlier~~

^{feeling that} he could not cite/even after due diligence. In T.S. Thiruvengadam V/s. Union of India (1993) 24 ATC 102, The issue involved was ^{whether} ~~that~~ the revised benefits under ^{the} ~~the~~ pension scheme ^{were} to be made available to only those who were absorbed in public undertakings after a particular date. The Court held that the denial of the revised benefits to those who were absorbed prior to that date violates Articles 14 and 16 of the Constitution. This case does not help the applicant as it does not say anything regarding service in a local body being service in Central Government.

The next case cited is R.L.Marwaha V/s. UOI & Ors. (I(1988) ATLT (SC)(SN) 48). In that case it was

held that ^{the} petitioner who was an employee of an autonomous body established under the auspices of Central Government was entitled to get benefit of period of service rendered by him in a pensionable post under Central Government prior to his service being absorbed in autonomous body for computing qualifying service for purpose of pension. This case again does not help the applicant. The next case cited is Hanumansingh Laxmansingh Thakur V/s. Municipal Council, Malkapur & Ors. (1989 Mh.L.J. 511). This was a case in which it was held that the age of retirement of a Teacher in Municipal Council will be 60 years ~~contrary~~ inspite of a Bye-law to the contrary providing 58 years as the age of retirement. It was held that the Municipal Council being State within the meaning of Article 12 of the Constitution ~~was~~ amenable to writ jurisdiction. This case also does not help the applicant as we have already considered the matter and pointed out that the definition of State in Article 12 has nothing to do with treating employment under local body as employment under the State Government.

2. We are of the view, therefore, that the Review Petition has no merit, which is liable to be dismissed. We are, ^{particularly} ~~therefore~~, of the view that the Review Petitioner has made out no case for review of our Judgment in terms of rules under Order 47 of CPC and ^{as such} ~~the same~~ is liable to be dismissed, which we accordingly dismiss. There will be no orders as to costs.

M.R.Kolhatkar

(M.R.KOLHATKAR)
MEMBER (A)

M.S.Deshpande
(M.S.DESHPANDE)
VICE-CHAIRMAN