

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.227/94.

Thursday, this the 24th day of June, 1999.

Coram: Hon'ble Shri Justice K.M.Agarwal, Chairman,
Hon'ble Shri R.K.Ahooja, Member(A).

Bhanu Bablya Warekar,
Room No.10,
Sidheshwar Chawl,
Samata Nagar,
Singh Estate,
Kandivali (E),
Bombay - 400 048.

...Applicant.

Vs.

1. The Regional Provident Fund,
Commissioner (Admn.),
Maharashtra & Goa, having
his Office at 3/41, Bhavishya Nidhi
Bhavan, Bandra (E),
Bombay - 51.
2. Central Provident Fund Commissioner,
9th floor, Mayur Bhavan,
Cannaught Circus,
New Delhi.
3. Union of India,
through Government of India
the Department of Personnel & Training,
Administrative Reforms.
(By Advocate Shri R.K.Shetty).

...Respondents.

: O R D E R : (ORAL)

(Per Shri Justice K.M.Agarwal, Chairman)

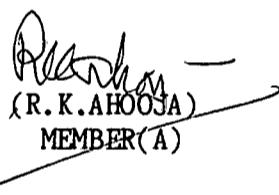
The applicant has filed this OA for directing the respondents to give him weekly off and other holidays as he was enjoying prior to the impugned order dt. 30.8.1993.

2. Briefly stated, the applicant was working as Mali with the Respondents. Till acceptance of the recommendations of the IIIrd Pay Commission, it appears, he was enjoying all public holidays and also getting weekly offs every month. After implementation of the recommendations of the IIIrd Pay Commission, the pay scales were revised and instead of four weekly offs two weekly offs were started to be given, this is the subject matter of this O.A.

3. After hearing the learned counsel for the respondents and perusing the records, we are of the view that pursuant to the recommendations of the IIIrd Pay Commission, the applicant took the benefits of

this recommendations, he was also bound to forego certain rights enjoyed before the implementation of the IIIrd Pay Commission. As an illustration we may point out that before the implementation of the recommendations of the Vth Pay Commission the Central Government employees were enjoying 12 days Casual Leave in a year and the same was reduced to 8 Casual Leave in a year, but that has not been challenged by anybody and cannot be challenged, because the employees also took at the same time the advantages arising out of the recommendations of the Vth Pay Commission. Similarly, and in similar situations when the applicant has enjoyed the benefits of the recommendations of the IIIrd Pay Commission he cannot come forward and say that curtailment of privileges was illegal or arbitrary. For the above reasons, we find no merit in this O.A.

4. In the result, this OA fails and is hereby dismissed. No costs.


(R.K.AHOJA)
MEMBER(A)


(K.M.AGARWAL)
CHAIRMAN

B.