

(J)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: **503/1994**

Transfar Application No:

DATE OF DECISION: **21.11.1994**

Mr. Yusuf Shaikh Gulab Petitioner

Mr. D.V.Gangal Advocate for the Petitioner

Versus

U.O.I. & 2 ors Respondent

Mr. Joshi Subodh Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri **Justice M.S.Deshpande, Vice Chairman**

The Hon'ble Shri

1. To be referred to the Reporter or not ? **NO.**
2. Whether it needs to be circulated to other Benches of the Tribunal ? **NO.**


V.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY-1

O.A. No.503/1994

Mohammed Yusuf Shaikh Gulab

..Applicant

V/s.

Union of India & Ors.

..Respondents

Coram: Hon.Shri Justice M.S.Deshpande, V.C.

Appearance:

Mr. D.V. Gangal
counsel for the applicant


Mr. Subodh Joshi
counsel for the respondents

ORAL JUDGMENT:

DATED: 21.11.1994

(Per: M.S.Deshpande, Vice Chairman)

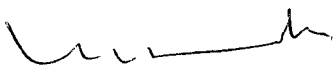
The only relief which the applicant seeks by this application is counting of his service from 1.12.1948 to 31.10.1985 which was rendered by him in the District of Dhule in the State of Maharashtra while granting him the pensionary benefits. The State Government, which is respondent no.3 in the present application, has not filed any reply nor has there been any representation on behalf of Respondent no.3. By the letter dated 7.4.1992, Exhibit A, the respondent nos. 1 and 2 informed the applicant that the competent authority's sanction to count the service from 1.9.1953 to 8.10.1954 has been received and the benefit of the same is being awarded to him for reviewing the pensionary benefit as admissible to him. The matter was referred to the Collector, Jalgaon for condonation of break in the service for the period from 1948 to 1953 rendered by the



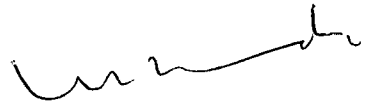
applicant in the Civil Supply Department, under their rules, in pursuance ^{of} to the applicant's application dated 5.8.1991 and that department had issued certificates which had been handed over to the applicant on 26.12.1991 for getting the period of breaks in service condoned by the Civil authorities concerned as requested by the applicant.

2. The question is whether the Respondent No.3 was in a position to grant any relief to the applicant. By the letter dated 31.1.92, Annexure A-2, the District Supply Officer, Jalgaon, wrote to the D.R.M., Bhusawal that the applicant had rendered service with that department from 1.12.1948 to 8.10.1954 and there was no objection to granting the benefit of that service to the applicant if ^{could} it be granted because the service book of the applicant was lost and the question regarding the break in service could not therefore be considered. The position, therefore, ^{is} is that the applicant had rendered service with the State Government from 1948 to 1954 and the State Government is not in a position to say if there were any breaks and if so for what duration.

3. The applicant cannot be made to suffer if the service book cannot be made available and since the state Government has no objection in the service rendered from 1948 to 1954 being ^k reconed for granting pensionary benefits and respondents Nos. 1 and 2 also have to depend on the relaxation, if any, that could be granted by the State Government, I find that there is no justification in denying that benefit to the applicant.



4. The Respondents are, therefore, directed to treat the service of the applicant from 1.12.1948 to 8.10.1954 as service rendered with the State Government for the purpose of computing his pensionary benefits. The pensionary benefits on this basis shall be calculated and paid to the applicant within a period of two months from the date of receipt of a copy of this order by the Respondent nos. 1 and 2 together with interest under Rule 68 of the Pension Rules.


(M.S. Deshpande)
Vice Chairman