

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
(CAMP: NAGPUR)

Original Application No: 638/94

Transfer Application No:

DATE OF DECISION: 16.9.1994

Smt. M.D. Subhanwar & Ors. Petitioner

Shri M. Ayyub Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri P.S. Lambat 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


(M.S. DESHPANDE)

VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH, BOMBAY

CAMP: NAGPUR

OA. NO. 638/94

Smt. Meena Bai Dattu Subhanwar & Ors. ... Applicants
v/s.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande

Appearance

Shri M.Ayyub
Advocate
for the Applicants

Shri P.S.Lambat
Advocate
for the Respondents

ORAL JUDGEMENT

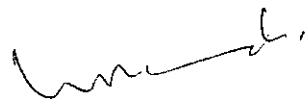
Dated: 16.9.1994

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

Heard the counsel. The case has already received consideration of the Division Bench of this Tribunal at Bangalore and which we had followed in a Division Bench at Bombay. In the light of that decision in OA. 604/90 decided on 19.4.1993, R.Chandrasekar vs. Pension Pay Master. I think that it will be appropriate to direct the respondents to decide the applicants' case in accordance with the decision of the Supreme Court to be rendered in SLP No. 160208/90 now pending therein. The decision in OA. 604/90 is reproduced below :-

"Having heard learned counsel on both sides, we think it appropriate to direct the respondents to decide the applicant's case in accordance with the decision of the Supreme Court to be rendered in SLP No. 160208/90 now pending therein. The SLP has arisen out of the judgements of the CAT in such matters. We have been informed that the Supreme Court has stayed the operation of the judgement delivered by the Ernakulam Bench of the Tribunal in such cases. Under the circumstances, we notice the futility of relying on the judgement of the Ernakulam Bench and regard being had to the circumstances that the matter itself is pending before the Supreme Court in all its facets, we direct the disposal of this application

for the present making it clear that depending on the outcome of the SLP supra now pending before the Supreme Court, the Department should itself take steps to regulate the rights of the applicant in consequence and in pursuance of the Supreme Court's decision in SLP No. 160208/90. With these observations, this application stands disposed off. No costs."


(M.S.DESHPANDE)
VICE CHAIRMAN

mrj.