

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 485/94 and 1137/94

Transfer Application No:

DATE OF DECISION: 23.1.1995.

V.V.Kulkarni & Ors. & L.K.Kunte Petitioner

S/Sh. J.M.Chitale & C.V.Lad.

Advocate for the Petitioners

Versus

Union of India & Anr.

Respondent

Shri M.I.Sethna.

Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice ^{WA}M.S.Deshpande, Vice-Chairman,

The Hon'ble Shri P.P.Srivastava, Member(A).

1. To be referred to the Reporter or not ? _____
 2. Whether it needs to be circulated to other Benches of the Tribunal ? m
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(M.S.DESHPANDE)
VICE-CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
BOMBAY BENCH, BOMBAY.

Original Application No.485/94.

V.V.Kulkarni & Ors. ... Applicants.

V/s.

Union of India & Anr. ... Respondents.

Original Application No.1137/94.

L.K.Kunte. ... Applicant.

V/s.

Union of India & Anr. ... Respondents.

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

Appearances:-

Applicants by Shri J.M.Chitale,
(in OA No.485/94) and
Shri C.V.Lad, (in OA No.1137/94).
Respondents by Shri M.I.Sethna.

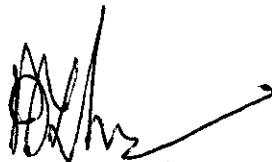
Oral Judgment:-

(Per Shri M.S.Deshpande, Vice-Chairman) Dt.23.1.1995.

We have heard the learned counsel for the parties. The five applicants in O.A. No.485/94 have retired between 1978 and 1991. The applicant's contention is that they should be regarded as Government servants as a Staff Artist working with the All India Radio (A.I.R.). The Supreme Court in Y.K.Mehta V/s. UOI (1938(3) S.V.L.R. (L) 86) held that Staff Artists of A.I.R. were holding Civil Posts under the Government. In the light of this Judgment the applicants claim is considered by the Respondents on the basis of their representations made and by the reply dt. 28.3.1988 they were informed that there was no provision for payment of pension to Staff Artists who retired before 28.2.1982. The matter came up for consideration before this Bench of the Tribunal and by the order

passed on 11.11.1991 in Neminath Balwant Upadhye V/s. The Director General, All India Radio it was pointed out that as the applicants services had already come to an end on 4.2.1982 and merely because under certain schemes he was availing certain benefits the benefits will not make him a Government servant which status has already come to an end on attaining the age of 60 years. One gets the status while in service but one cannot get the status because of extension of certain benefits after that period. We are bound by this decision. The learned counsel for the applicants urged that the decision in Y.K.Mehta has not been noticed by the Tribunal, but we see nothing in the Judgment of the Tribunal contrary to the observations of the Supreme Court and we do not think that the authority of the decision of the Tribunal is diluted by anything said by the Supreme Court. The applicants, therefore, have no basis for claiming the benefits. As pointed out in that case the applicants may make a representation to the Government within 15 days and the Government may dispose of that representation within two months from the date of receipt taking into consideration the pleas raised by the applicants. The O.A. No.485/94 is disposed of with these directions.

2. The above order disposes of O.A. No.1137/94 also wherein identical reliefs have been prayed on similar facts and the applicant has retired in 1975.


(P.P.SRIVASTAVA)
MEMBER (A)


(M.S.DESHPANDE)
VICE-CHAIRMAN.