

CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A.N. 1112/95.

Date of Decision 27/6/96

Dayanu Tukaram Bamne Petitioner

Shri R.C. Kotiankar Advocate for the Petitioner.

Versus

Union of India & 2 Ors. Respondent

Shri V.S. Masurkar Advocate for the Respondents.

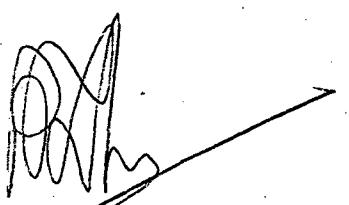
Coram:

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

The Hon'ble Mr.

1. To be referred to the Reporter or not? X

2. Whether it needs to be circulated to other Benches of the Tribunal? X

  
(P.P. SRIVASTAVA)  
MEMBER (A)

abp

CENTRAL ADMINISTRATIVE TRIBUNAL  
GULISTAN BLDG. NO. 6, PRESCOT ROAD, 4TH FLOOR.,  
MUMBAI - 400 001.

ORIGINAL APPLICATION NO. 1112/95.

DATED THIS 27TH DAY OF JUNE, 1996.

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

Dnyanu Tukaram Bamne  
(By Advocate Shri R.C.Kotiankar) ... Applicant

v/s.

Union of India & 2 Ors.  
(By Advocate Shri V.S.Masurkar) ... Respondents

O R A L  
O R D E R

[ Per Shri P.P.Srivastava, Member(A) ]

Shri Kotiankar, Counsel for applicant submits that the applicant was working with Ministry of Defence from 11/12/59 to 1/8/66 thereafter he joined State Government, i.e. Haffkine Institute on 2/8/66 and worked there upto 13/3/74, thereafter he has joined the Ministry of Agriculture from 14/3/74 and is still serving their. As the date of retirement of the applicant is in 31/7/97, the applicant has been representing to the respondents to issue sanction to count all his previous services from 1959 in Ministry of Defence and from 1974 in State Government (Haffkine Institute) which at that time belonged to State Government. The Respondents have not yet given any finaly reply. Counsel for applicant specifically brings to the notice of the Tribunal the letter of Administration dated 7/10/87, by which the respondents administration had agreed to count the service of the applicant towards pension provided the offices where he had served during the previous period agreed to pay lump-sum pension contribution to CPBF, Bombay. The Counsel for applicant has further submitted that now according to the latest instructions,



vide para-4 and 5 of the CCS Pension Rules of Rule-14, the liability for pension including gratuity will be borne <sup>from</sup> in full by the Department ~~in~~ which the applicant retires finally.

2. The Counsel for the respondents, Shri Masurkar, submits that the administration has taken up the matter with the higher authorities, and a reply is awaited shortly.

3. In the circumstances of the case, it will be sufficient at this stage to direct the respondents to take a decision in the case of the applicant regarding counting of service finally within a period of 4 months from the date of receipt of this order.

With the above direction, the OA is disposed of with no order as to costs.

abp.

  
(P.P. SRIVASTAVA)  
MEMBER (A)

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

CONTEMPT PETITION NO. 01 OF 1995

in

OA NO. 1112 of 1995

DNYANU TUKARAM BAMNE

..PETITIONER/  
Org.Applicant

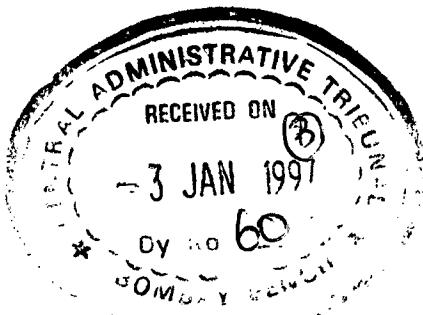
Vs

1. MR SINGH
2. DR J. N. BORA

CONTEMNERS /  
Org.Respondents.

I N D E X

Sr. No.	Particulars.	Page No
1.	Contempt Petition	1 to 3
2.	Tribunal's order dt. 27/6/1996 passed in OA 1112 of 1995	4 to 5
3.	Affidavit	6



BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

CONTEMPT PETITION NO. OF 1996

in

OA NO.1112 of 1995

DNYANU TUKARAM BAMNE, )  
Head Clerk, Central Poultry Breeding Farm, )  
Dept. of A.H & Diarying, )  
Ministry of Agriculture, )  
Aarey Milk Colony, )  
Goregaon(E), Bombay 400065. ) PETITIONER  
(Org. Applicant)

versus.

1. MR SINGH, )  
Secretary to Govt. of India )  
Dept. of A.H & Diarying, )  
Ministry of Agriculture, )  
Krishi Bhavan, New Delhi 110001 )  
2. Dr. J. N. BORA, )  
Director, Central Poultry Breeding Farm, )  
Dept. of A.H & Diarying, )  
Ministry of Agriculture, )  
Aarey Milk Colony )  
Goregaon(East) Bombay 400065. ) CONTEMNERS  
(Org. Respondents)

I, DNYANU TUKARAM BAMNE, the Petitioner  
abovenamed respectfully state and submit as under :-

i) that this Petitioner had filed an Original  
Application being No.1112 of 1995 in this Hon'ble  
Tribunal on 12/9/1995 praying for a declaration

and order that service rendered by the Petitioner in Inspectarate of General Stores (Ministry of Defence) during the period 11/12/1959 to 1/8/1966 and in Haffkine Institute (State Government) during the period 2/8/1966 to 13/3/1974 be counted towards pensionary benefits in Department of A.H& Diarying, Ministry of Agriculture, where he is now employed;

ii) that this Hon'ble Tribunal vide order dated 27/6/1996, passed in above OA had directed the Respondents to take a decision in the case of the Applicant regarding counting of service finally within a period of four months from the date of receipt of Tribunal's order. Hereto annexed and marked as Ex.A Exhibit 'A' is a copy of this Tribunal's aforesaid order dt. 27/6/1996.

iii) that this Petitioner submits that the Respondents in wilful disobedience of the order passed by this Hon'ble Tribunal in OA 1112 of 1995 have not implemented the said order so far despite written and oral reminders for early action;

iv) that for the reasons stated in paras (ii) and (iii) above the Respondents are in contempt of the Order passed by this Hon'ble Tribunal in OA 1112 of 1995, and, therefore, deserve to be dealt with in accordance with the provisions of the Contempt of Courts Act, 1971.

This Petitioner, therefore, prays that this Hon'ble Tribunal be pleased to :

- (i) hold and declare that the Respondents have committed breach of the order dt. 27/6/1996 passed by this Hon'ble Tribunal in OA 1112 of 1995 and deal with them in accordance with the provisions of the Contempt of Courts Act, 1971 read with Contempt of Courts Rules 1986 and as amended;
- (ii) direct the Respondents to pass orders to count the past service of the petitioner in Ministry of Defence (Central Government) and in Haffkine Institute (State Government) towards pensionary benefits forthwith;
- (iii) pass any such any other order and/or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case;
- (iv) grant costs of this petition.

Bombay  
January 2, 1997



D.T. BAMNE  
(Petitioner.)

VERIFICATION

I, D.T. BAMNE, Head Clerk, Central Poultry Breeding Farm, Dept. of A.H & Diarying, Goregaon (E) Bombay, do state on solemn affirmation that whatever stated in paras above are true to the best of my knowledge and belief and that I have not suppressed any material facts.

Bombay  
January 2, 1997

  
(D.T. BAMNE)  
Petitioner.

  
ADVOCATE FOR PETITIONER.

(4) *Exh-A*

CENTRAL ADMINISTRATIVE TRIBUNAL  
GULISTAN BLDG. NO. 6, PRESCOT ROAD, 4TH FLOOR.,

MUMBAI - 400 001.

ORIGINAL APPLICATION NO. 1112/95.

DATED THIS 27TH DAY OF JUNE, 1996.

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

Dnyanu Tukaram Bamne  
(By Advocate Shri R.C.Kotiankar) ... Applicant

v/s.

Union of India & 2 Ors.  
(By Advocate Shri V.S.Masurkar) ... Respondents

ORAL  
ORDER I

I Per Shri P.P.Srivastava, Member(A) I

Shri Kotiankar, Counsel for applicant submits that the applicant was working with Ministry of Defence from 11/12/59 to 1/8/66 thereafter he joined State Government, i.e. Haffkine Institute on 2/8/66 and worked there upto 13/3/74, thereafter he has joined the Ministry of Agriculture from 14/3/74 and is still serving their. As the date of retirement of the applicant is in 31/7/97, the applicant has been representing to the respondents to issue sanction to count all his previous services from 1959 in Ministry of Defence and from 1974 in State Government (Haffkine Institute) which at that time belonged to State Government. The Respondents have not yet given any final reply. Counsel for applicant specifically brings to the notice of the Tribunal the letter of Administration dated 7/10/87, by which the respondents administration had agreed to count the service of the applicant towards pension provided the offices where he had served during the previous period agreed to pay lump-sum pension contribution to CPBF, Bombay. The Counsel for applicant has further submitted that now according to the latest instructions,

(5)

vide para-4 and 5 of the CCS Pension Rules of Rule-14, the liability for pension including gratuity will be borne from in full by the Department / from which the applicant retires finally.

2. The Counsel for the respondents, Shri Masurkar, submits that the administration has taken up the matter with the higher authorities, and a reply is awaited shortly.

3. In the circumstances of the case, it will be sufficient at this stage to direct the respondents to take a decision in the case of the applicant regarding counting of service finally within a period of 4 months from the date of receipt of this order.

With the above direction, the OA is disposed of with no order as to costs.

(P.P. SRIVASTAVA)  
MEMBER (A)

Certified True Copy  
Date: .. . . . .

Central Adm. Tribunal,  
Bombay Bench.  
11/1/97

Sr. No. of Application 30/ Dec.  
Name of applicant Sh. R.C. Kotiyankar, Adv.  
Date of filing 24/12/96.

2

Date of filing 24/12/96.  
Date of preparation of copy 11/1/97.  
Date of delivery 24/9/97