

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NOS.: 501/97, 502/97 AND 520/97.

Dated this Monday, the 27th day of October, 1997.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,
VICE-CHAIRMAN.

HON'BLE SHRI M. R. KOLHATKAR, MEMBER (A).

Smt. Jayalakshmi,
W/o. Late Shri T.S. Arjumeswaran,
Residing at : 19, Dhudhat Bldg.,
441-42, Somwar Peth,
PUNE - 411 011.

Applicant in O.A.
No. 501/97.

Shri L. Mahalingam,
Ex-Office Superintendent Grade-II,
Residing at :
C/o. Shri M. Shriniwasan,
Flat No. B/3/1, Ayakar Co.Op.
Housing Society,
Paud Road,
Pune - 411 029.

Applicant in O.A.
No. 502/97.

Shri R. Seshadri,
(Retired U.D.C.),
Residing at :
504, Kasba Peth,
Pune - 411 011.
(By Advocate Shri S. P. Saxena)

Applicant in O.A.
No. 520/97.

VERSUS

1. The Union Of India through
The Secretary,
Ministry Of Defence,
DHQ PO, New Delhi - 110 011.
2. The Engineer-in-Chief,
Army Headquarters,
Kashmir House,
DHQ PO, New Delhi - 110 011.
3. The Chief Engineer,
Southern Command,
Pune - 411 001.

Respondents in all
the three O.As.

(By Advocate Shri R.K. Shetty).

PER.: ORAL ORDER :
[PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN]

These are three applications filed by the applicants seeking certain reliefs. The respondents have filed reply in O.A. No. 520/97. The Learned Counsel for the respondents submits that he adopts the same reply in O.A. No. 501/97 and O.A. No. 502/97. Since all the three cases have identical points and are covered by the decision of the Apex Court and previous decisions of the Tribunal, we have taken up all these applications for final hearing by consent of both the counsel. Heard Shri S. P. Saxena, Counsel for the applicants and Shri R. K. Shetty, Counsel for the respondents.

2. In all these three cases, the husband of applicant in O.A. No. 501/97, the applicants in O.A. No. 502/97 and 520/97 were working as clerks under the Ministry of Defence. According to them, they are entitled to certain benefits viz. that they are entitled to be classified and treated as U.D.C. w.e.f. 01.01.1947 and entitled to get their pay fixed with effect from that date and to get future increments as and when due. They also claim arrears of pay as a result of refixation of pay. Consequently, they are also entitled to get pensionary benefits and other consequential benefits. Though the respondents have filed reply opposing the application, we

need

~~do~~ not consider the same, since the matter is covered by the decision of the Apex Court and the previous decisions of this Tribunal.

3. In an identical matter, in Civil Appeal No. 420/95, the Apex Court by its order dated 04.11.1997, confirmed the order passed by this Tribunal granting certain benefits to retired clerks in the Ministry of Defence to similarly placed ^{persons} like the three present applicants before us. In our view, in the light of the decision of the Apex Court and earlier decisions of the Tribunal in O.A. No. 793/96 and connected cases, of the applicants in these three cases are entitled to similar reliefs. We, therefore, hold that the applicants are entitled to all the benefits they have prayed for with effect from 01.01.1947.
4. In the result, all these three applications are allowed. The respondents are directed to re-classify the two applicants in O.A. No. 502/97 and 520/97 and the deceased husband of the applicant in O.A. No. 501/97 as U.D.C. with effect from 01.01.1947 and to pay them the difference of arrears of pay as per the directions of the Supreme Court in Civil Appeal No. 4201/95. The respondents are also directed to review the case of ^{by} promotion, re-fixation of pay, seniority, and re-calculation of

by

Pension and gratuity in accordance with the order dated 08.06.1994 and make payments to the respective applicants. In the circumstances of the case, the respondents are granted six months time from today to comply with ^{this order.} ~~the case.~~ There will be no order as to costs.

M R Kolhatkar
(M. R. KOLHATKAR)
MEMBER (A).

R. G. Vaidyanatha
(R. G. VAIDYANATHA)
VICE-CHAIRMAN.

B/os.*

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

R.P. NO.: 9/2000 In O.A.No. 501/97.

Dated this Friday, the 9th day of February, 2001.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

Hon'ble Shri S. L. Jain, Member (J).

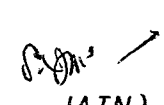
Smt. Jayalakshmi Arjuneswaran, ... Applicants.
(By Advocate Shri K. K. Waghmare)

VERSUS

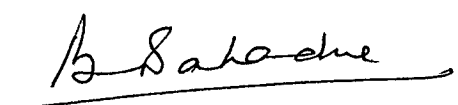
Union of India & Others ... Respondents.
(By Advocate Shri R.R. Shetty
for Shri R. K. Shetty)

TRIBUNAL'S ORDER :

This case is similar to the one decided by us today, where Review Petition No. 44/2000 is considered in O.A. No. 461/94. The matter being similar and the delay being of the same order i.e. 3 years plus, we are rejecting the Review Petition on the same ground. The reasons need not be repeated, as these have been given in detail in the aforesaid Review Petition. Hence, the Review Petition No. 9/2000 is rejected.


(S.L. JAIN)
MEMBER (J)

OS*


(B.N. BAHADUR)
MEMBER (A).