

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO: 540/97

Date of Decision: 18.6.1998

Manchar Vishnu Ganu

.. Applicant

Shri R.C.Kotiankar.

.. Advocate for  
Applicant

-versus-

Union of India & Ors.

.. Respondent(s)

Shri R.R.Shetty.

.. Advocate for  
Respondent(s)

CORAM:

The Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman.

The Hon'ble

(1) ~~Is~~ be referred to the Reporter or not ? *no*

(2) Whether it needs to be circulated to  
other Benches of the Tribunal ? *no*



(R.G.VAIDYANATHA)  
VICE-CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 540/1997.

Thursday, this the 18th day of June, 1998.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman.

Manohar Vishnu Ganu,  
Flat No.4, Kohinoor,  
Babrekar Marg,  
Dadar,  
Mumbai - 400 028.

... Applicant.

(By Advocate Shri R.C.Kotiankar)

V/s.

1. Union of India through  
Government of India in the  
Department of Atomic Energy,
2. Secretary to the Government of  
India Department of Atomic  
Energy,

Respondent Nos.1 & 2 :

Anushakti-Bhavan,  
Chhatrapati Shivaji  
Maharaj Marg,  
Mumbai - 400 039.

3. Secretary to the Government of  
India, Ministry of Personnel,  
Public Grievances & Pensions,  
Department of Personnel &  
Training, Lok-Nayak Bhavan,  
New Delhi.

... Respondents.

(By Advocate Shri R.R.Shetty).

O R D E R

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

This is an application filed by the applicant praying for a declaration that he is entitled to get full Dearness Pay for the purpose of Pension and consequent revision in the pension etc. in terms of the Judgment of the Bangalore Bench dt. 30.8.1996 in O.A. Nos. 1296 to 1299 of 1986. The respondents have filed their reply opposing the application.

2. To day, I have heard the learned counsel appearing for both sides. The applicant has based this O.A. solely on the basis of the Judgment of the

Bangalore Bench which has been reported in (1988(6) ATC 790 (B.Ranga Joshi & three ors. V/s. Union of India). In that case, the Bangalore Bench has quashed clause (a) of para 3(iii) of the Official Memorandum etc. as invalid. Then a direction was given to the respondents to pay full Dearness Pay for the purpose of pension.

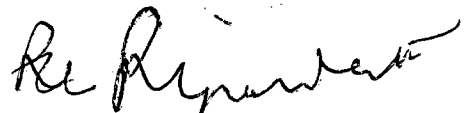
It is now brought to my notice that a number of appeals were filed before the Supreme Court arising from different Benches including some appeals arising from the Bangalore Bench Judgment. Now it is brought to my notice that the Supreme Court has disposed of all the appeals. The learned counsel for the respondents has made available a true copy of the Judgment of the Supreme Court in Civil Appeal No.1773 of 1994 and connected cases. At page 3 there is a reference to Civil Appeal Nos. 1774, 1775 to 1778 and other cases. Then the Supreme Court has observed that the appeals are disposed of in the light of each Judgment given on that day in Civil Appeal No.517/87. Even the Judgment of the Supreme Court dt. 17.3.1994 in Civil Appeal No.517/87 in the case of Union of India V/s. <sup>P.N. Menon</sup> ~~B.Ranga Joshi~~ & Ors. is enclosed. In that Judgment the Supreme Court has held that the cut off date mentioned in the Government Order is not invalid and is perfectly justified in the circumstances of the case. In view of the law declared by the Apex Court, the view taken by the Bangalore Bench is no longer a good law and it stands reversed.

...3.



3. In this case, the applicant is claiming the relief only on the basis of the Bangalore Bench Judgment which now no longer survives in view of the recent Judgment of the Apex Court. Hence in view of the law declared by the Apex Court, the present O.A. is not maintainable and the applicant is not entitled to any relief.

4. In the result, the O.A. fails and is dismissed. In the circumstances of the case there will be no order as to costs.

  
(R.G. VAIDYANATHA)  
VICE-CHAIRMAN.

B.