

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO: 1056/98

DATE OF DECISION: 14.10.1999

Shri Hari Rama Kamble Applicant.

Shri J.M. Tanpure. Advocate for
Applicant.

Versus

Union of India and others. Respondents.

Shri R.K. Shetty. Advocate for
Respondent(s)

CORAM

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

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*
- (3) Library. *NO*

R.G. Vaidyanatha
(R.G. Vaidyanatha)
Vice Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 1056/98

THURSDAY the 14th day of OCTOBER 1999.

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

Hari Rama Kamble
Ex-Mazdoor, T.No.1542
Ex-Vehicle Depot, Dehuroad,
Ambedkar Colony, Zopadpatti,
River Road, Pimpri, Pune.Applicant.

By Advocate Shri J.M. Tanpure.

V/s

1. Union of India through
The Secretary
Ministry of Defence
South Block, New Delhi.
2. The Commandant,
Central AFV Depot,
Kirkee, Pune.
3. The Chief Controller of
Defence Accounts (Pension)
Allahabad.
4. Director General of Ordnance
Services (OS -8C (1))
Master General of the Ordnance
Branch, Army Head Quarters,
DHQ PO New Delhi.Respondents.

By the advocate Shri R.K.Shetty.

ORDER (ORAL)

{Per Shri Justice R.G.Vaidyanatha, Vice Chairman}

This is an application by which the applicant is claiming pensionary benefits. The respondents have filed reply. I have heard counsel for both sides.

2. It is an admitted fact that the applicant was working in the Central Railway Vehicle Depot at Dehuroad. According to the applicant he has served from 1949 to 1969 and due to disbandment

of the Depot, the applicant has been dis-charged from service on 1.4.1969. At that time the applicant was employed in Collectorate of Inspection. It appears that in 1972 the Government has issued order giving option even to the members of Contributory Provident Fund Scheme to come to pension scheme and the applicant has exercised the option. He made number of representations to the administration for grant of pension. Hence the applicant has approached this Tribunal praying for retiral benefits from 1.4.1969 and for costs etc.with interest.

3. The stand of the respondents is that the applicant was a temporary employee and therefore he is not entitled to pensionary benefits under 1972 Rules. Then the respondents have also mentioned about steps taken by the administration in attending to the representation of the applicant for pensionary benefits.

4. It is not necessary to go to the pleadings in detail or to consider the documents, since this is covered by a direct decision of the ^a Division Bench of this Tribunal in an un-reported judgement dated 12.12.1995 in OA 1313/93 in the case of Smt. Anthony Amma V/s Union of India and others. Copy of the judgement is at page 13 of the paper book. Even in that case a similar stand was taken by the respondents that applicant's husband was a temporary employee, therefore the applicant is not entitled to family pension or other pensionary benefits. The Tribunal held that the officials have been working for more than ^{claim} 20 years and therefore the case cannot be rejected on the ground

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that they were temporary employees. The Tribunal allowed the application with a direction to the administration to grant family pension. I therefore hold that the applicant in the present case is entitled to pensionary benefit.

5. Since the applicant was a member of Contributory Provident Fund, he will have to refund whatever amount he ^{had} ~~was~~ drawn under that scheme, to claim pensionary benefits under 1972 ^{circular} order dated 12.6.1972. It is open to the administration to grant pensionary benefit to the applicant. While making payment they can deduct whatever amount that they have paid to the applicant towards Contributory Provident Fund Scheme.

6. In the result OA is allowed. The respondents are directed to pay pensionary benefits to the applicant in terms of letter dated 12.6.1972 deducting the amount paid under Contributory Provident Fund Scheme. In the circumstances the respondents are directed to comply with the order within four months from the date of receipt of copy of this order. No order as to costs.



(R.G. VAIDYANATHA)
VICE CHAIRMAN

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