

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI .**

ORIGINAL APPLICATION No.102 OF 2018

Dated this Friday, the 02nd day of February, 2018

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)

1. Abdul Kahliqe S/o Abdul Hakkim,
Age : 61 years, Occu. Retired Regular Khalasis,
R/o H.No.540, Behind Police Head Quarter,
Sarafraj Nagar, Parbhani,
Tq. & Dist. Parbhani.
 2. Maroti S/o. Sonaji Dhale,
Age : 65 years, Occu. Retired Regular Khalasis,
R/o. Zari, Tq. & Dist. Parbhani.
 3. Daulat S/o Jaiwant Ughade,
Age : 59 years, Occu. Retired Regular Khalasis,
R/o. Kundewadi, Niphad, Dist. Nashik.
 4. Janardhan S/o Paraji Vidhate,
Age : 59 years, Occu. Retired Regular Khalasis,
R/o. Mheesgaon, Tq. Rahuri, Dist. Ahmednagar.
 5. Subhash S/o Satwaji Gaikwad,
Age : 65 years, Occu. Retired Regular Khalasis,
R/o. Bhajangalli, Subhash Road,
infront of Police Quarters Parbhani,
Tq. & Dist. Parbhani.
- .. Applicants**
- (By Advocate Smt. Sanjivani Deshmukh Ghate)**

Versus

1. The Union of India,
Through the Secretary of Central Water
Commission, Room No.313,
South Seva Bhawan, R.K.Puram,
New Delhi 110 066.
2. The Chairman of Central Water Commission,
Room No.313, South Seva Bhawan,
R.K.Puram, New Delhi 110 066.
3. The Chief Engineer,
Krishna and Godavari Basin Central Water
Commission, 11.4.648 AC Guard
Hyderabad (AP) 500 004.

4. The Superintending Engineer,
Upper Godavari Circle,
Central Water Commission,
11.4.648 AC Guard
Hyderabad (AP) 500 004.

5. The Executive Engineer,
Upper Godavari Circle,
Central Water Commission,
11.4.648 AC Guard
Hyderabad (AP) 500 004.

... Respondents

ORDER (ORAL)

Today when the matter is called out for admission, heard Ms. Sanjivani Deshmukh Ghate, learned Advocate for the applicant. I have carefully perused the case record.

2. By this Joint Application under Section 19 of the Administrative Tribunals Act, 1985, the applicants, who are similarly placed retired employees as Khalasi, seeks the common relief that the services rendered by them prior to conferment of temporary status should be counted for the purpose of pension.

3. The record shows that in support of their contention, the applicants placed reliance on the decision of this Tribunal in OA Nos.601 and 627 of 2005 dated 06.12.2005 and a decision of Ernakulam Bench in OA No.949/2010 and 746/2011 dated 01.07.2013 involving same issue in which relief is

granted. The applicants thus claim to be similarly placed persons.

4. In this OA, the following reliefs are sought :-

“8(A). The Original Application may please be allowed.

(B). By order or direction the respondents may please be declared that the applicants are entitled for pension and pensionary benefits.

(C) By order or direction the respondents may please be directed to count the 50% of service prior to getting temporary status and 100% from getting temporary status to date of regularization for counting qualifying service for pension & pensionary benefits.

(D) By Order or direction the respondents may please be directed to decide the representations which were made by the applicant's for granting pension & pensionary benefits within a reasonable time.

(E) Any other justifiable order or direction in favour of the applicants be granted in the interest of justice.”

5. It is submitted by the learned Advocate for the applicants that after their retirement they submitted individual representations dated 17.01.2017 followed by reminders dated 18.09.2017, 07.09.2017, 20.09.2017 and 19.09.2017 to the respondent No.5. However, nothing has been heard from the other end so far. In view of this, there is no adverse order passed by the respondents

against the applicants denying their claim. It is stated that after retirement from service, the applicants started residing within the jurisdiction of this Tribunal in Parbhani, Nashik and Ahmednagar Districts respectively and hence, this Tribunal has jurisdiction to entertain the OA although they were working under respondent No.5 at Hyderabad.

6. Considering the above factual position, this Tribunal is of the view that ends of justice will be better served in case appropriate directions are issued in the matter.

7. In view of the above, the respondent No.5, the Executive Engineer, Upper Godavari Division, Central Water Commission, 11.4.648 AC Guard Hyderabad (AP) 500004 is directed to consider and pass a reasoned and speaking order on the pending representations and reminders of applicants in accordance with law, within a period of eight weeks from the date of receipt of certified copy of this order.

8. The order so passed shall then be communicated to the applicant at the

earliest, who will be at liberty to approach the appropriate forum, in case their grievances still persists.

9. The OA stands disposed of with aforesaid directions at admission stage, without issuing notice to the respondents or without making any comments on the merit of the claim (except referring to the decision rendered by concurrent Benches of CAT) and keeping the legal plea regarding limitation open.

10. Registry is directed to forward copy of this order to both the parties at the earliest for taking appropriate steps in the matter.

Place : Mumbai
Date : 02nd February, 2018

(Arvind J. Rohee)
Member (Judicial)

*kmg**