

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7426 OF 2018

Union of India & Ors.

...Petitioners

Versus

Bharati Uday Vaidya

...Respondent

Mr. A. R. Gole for Petitioners

Mr. D. P. Barretto for Respondent.

**CORAM: SMT. V. K. TAHILRAMANI, Acting C. J. &
M. S. SONAK, J.**

DATE : 16 JULY 2018

ORAL JUDGMENT :

1] Heard the learned counsel for the parties.

2] Rule. With the consent and at the request of the learned counsel for the parties, Rule is made returnable forthwith.

3] The challenge in this petition is to the judgment and order dated 22nd August 2016 made by the Central Administrative Tribunal (CAT) by which the Original Application No. 453 of 2014 instituted by the respondent came to be disposed of by directing the petitioners to issue

appropriate orders granting similar benefit to the respondent by reckoning her service on daily wage basis only for the purpose of ACP or MACP benefits, as the case may be, within four weeks from the date of receipt of the order.

4] Mr. Gole, whilst admitting that the issues raised in this petition may be covered by several decisions of the CAT as well as this Court, in the matters referred to in paragraph 13 of the impugned judgment and order, he submits that there is one distinguishing feature in the present matter. He submits that in the present case, the respondent, for a period of three years between 2nd May 1985 and 20th December 1986, worked only as a daily wage, he submits that this service was therefore required to be excluded in computing the period of 12 years or 24 years in the matter of award of benefits under the schemes of TBPS or ACPS. For this reason, Mr. Gole submits that the present petition may be allowed.

5] Mr. Barretto, the learned counsel for the respondent whilst disputing the contention raised by Mr. Gole on facts

submits that in any case, even this issue stands decided by the Division Bench of this Court in the case of ***Union of India & Anr. vs. Karan Anant Purao and connected matters 2014(2) ALL MR 798***. Mr. Barretto points out that even the Special Leave Petition against the said decision has been dismissed by the Hon'ble Supreme Court.

6] Upon due examination of the record and appreciation of contentions raised by Mr. Gole, we find that the matter is entirely covered by the decision in *Karan Anant Purao* (supra). In fact, relying upon the decision in *Karan Anant Purao* (supra), we have dismissed a batch of writ petitions being ***Writ Petition No. 10951 of 2017 (Union of India & Anr. vs. Mridula P. Dhonde (PN-2868) @ Mridula K. Desai) and connected matters decided on 18th April 2018***. The so-called distinguishing feature pointed out by Mr. Gole is neither factually established nor is any other material produced on record to distinguish the decision in *Karan Anant Purao* (supra) and connected matters.

7] Accordingly, this petition is dismissed. Rule is discharged. There shall be no order as to costs.

8] At the request of Mr. Gole, however, we grant six weeks time from today, in order to implement the impugned judgment and order made by the CAT.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)

CHANDKA

Sunita
Kishandas
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