

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH NEW DELHI

O.A. NO. 3352/2002

NEW DELHI THIS 24TH DAY OF DECEMBER 2002

HON'BLE SHRI GOVINDAN S. TAMPI. MEMBER (A)

Dr. G D Goel,  
Principal,  
ACC Wing, IMA  
Dehradun

.....Applicant

(By Shri D R Gupta, Advocate)

VERSUS

1. Union of India through  
its Secretary  
Ministry of Defence,  
South Block, New Delhi
2. The Director General of Military Training,  
General Staff Branch (MT-7)  
Army Headquarters,  
New Delhi
3. Indian Military Academy,  
through its Commandant,  
Dehradun

.....Respondents

O R D E R (ORAL)

Challenge in this OA is directed against the refusal of the respondents to revise the age of superannuation for retirement to 62 years.

2. Heard Shri D R Gupta, learned counsel for the applicant who presses the OA.

3. The applicant (Dr. G D Goel) working as Principal of the Army Cadet College (ACC) of IMA, Dehradun, ~~and~~ is due to retire on superannuation on 31.12.2002, in terms of the age prescribed for the same by Respondent No. 1. According to the applicant this is contradictory to the instructions on the subject contained in Ministry of HRD

(Department of Education) letter No. F.I-22/97-U.I. dated 27.7.1998, according to which the date of superannuation has been raised from 60 to 62 years in respect of University and College teachers. Army Cadet College of IMA Dehradun is affiliated to JNU as any other college and therefore the service conditions of the civilian staff attached to the said college would have to be at par with those in JNU. The Ministry of Defence has extended the UGC package as applicable to JNU to the civilian academic staff of ACC of IMA w.e.f. 1983 and had revised the same from time to time. After the adoption of the recommendations of 5th Central Pay Commission, the Ministry of HRD had also revised the UGC's pay scales for the teachers in the Central Universities and Colleges w.e.f. 1.1.96 in terms of its notification dated 27.7.98. However, while extending the benefit to the teachers to ACC, the Ministry of Defence has not given the benefit of higher age of superannuation of 62 years as provided for in the HRD's letter. This was improper, illegal and discriminatory according to the applicant. The applicant's representation for enhancement of his age of superannuation from 60 to 62 years had no evoked any result, leading to this OA. The main points raised by the applicant in this OA is that the UGC package given in Ministry of HRD's letter dated 27.7.98 is to be accepted in toto, meaning thereby that both revision of the pay scale and revision of the age of superannuation were to be extended to staff of ACC. In fact ACC attached to IMA and NDA at Khadakwasla are at par with colleges affiliated to Central Universities like JNU and therefore the service conditions governing the staff attached to these universities should be automatically available to <sup>to</sup> <sub>L</sub> ACC of IMA and NDA. The respondents' action in singling out the staff of ACC and IMA

for denying the higher age of superannuation therefore deserved to be quashed and set aside with full benefit to the applicants.

4. I have carefully considered the matter. The applicant in this case seeks the extension of the benefit of higher age of superannuation to 62 years to him as according to him he is on the academic faculty attached to ACC of IMA (which like NDA) a Institution affiliated to JNU like other colleges. When the pay scales were granted/revised by the UGC by <sup>letter</sup> dated 27.7.98 have been extended to ACC of IMA and NDA, there was no reason for denying them the benefit of higher age of superannuation. I do not agree. This Tribunal has already decided a few cases wherein it has been specifically directed that the matter in respect of superannuation/retirement age was ~~was~~ for the competent authority (Ministry of Defence) to take action after duly appreciating the subject stance in his case and it may not be treated as part of the package along with the revision of the pay scales. Full Bench of the Tribunal at Mumbai vide its order in the case of Ramesh Prasad Saxena (OA No.451/1997) had indicated that the Academic Faculty in NDA Khadagwasala are not entitled to higher age of superannuation. Following the above this Bench of the Tribunal had in OA No. 1487/2000 decided on 21.12.2000 and OA No. 2707/2000 held that the staff attached to ACC of IMA Dehradun and those attached to GNCT, even if were granted the benefit of pay scales were not entitled for the enhanced superannuation age. I ~~was~~ myself was a party to both the decisions. There is no reason at all for me to take a different view in this OA. The judicial discipline requires, that I follow the same and I had do accordingly.

(6)

5. In the above view of the matter, I am convinced that the applicant has no case at all justifying interference from the Tribunal. The OA is therefore, dismissed in limine without issuing Notice to opposite parties.

(Govindan S. Tampi)  
Member (A)

Patwal/