

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2596/2001

New Delhi, this 28th day of September, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri M.P. Singh, Member(A)

(23)

Ms. Vimla Ghosh
NCC/GCI/311/UOI
5, Delhi Girls Bn.NCC
Kirti Nagar, New Delhi .. Applicant

(By Ms. Anita Bhargava, Advocate)

versus

1. Ministry of Defence
North Block, New Delhi
2. Director General NCC
West Block No.IV
RK Puram, New Delhi .. Respondents

ORDER(oral)

By Shri M.P. Singh

The applicant joined the NCC as Girls Cadet Instructor on 29.5.69. She was promoted as Under Officer Instructor (UOI, for shot) by order dated 22.4.94. As per the terms and conditions for appointment to the post of UOI the age of superannuation was 52 years and by order dated 19.9.2000 the age of retirement was enhanced to 55 years. The applicant is to retire on superannuation w.e.f. 30.9.2001. She has submitted a number of representations to the respondents to raise her age of retirement by two years as has been done in the case of other Central Government employees on the recommendation of the 5th Central Pay Commission. No decision has been taken by the respondents on her representations so far. By the present OA she is seeking direction to the respondents to grant her extension of two years beyond 30.9.2001 and also consider her case for promotion to the post of UOI w.e.f. 1990 when she was due for the same, with all consequential benefits.

W.M.

2. Heard the learned counsel for the applicant.

(3)

3. The matter relating to increase in the age of retirement is one of the conditions of service. Any decision in this regard has to be taken by the Government of India/Ministry of Defence as a matter of policy. Since a policy decision is required to be taken in this matter, it comes within the domain of executive and court cannot interfere in this matter as per the settled law. Moreover, the applicant is retiring on 30.9.2001 and she has chosen to file this OA only on 27.9.2001. In the circumstances, we feel that interest of justice would be duly met if we direct the respondents to consider her representations and also consider this OA as part of her representations and take a decision accordingly by passing a speaking and reasoned order expeditiously and within a period of three months from the date of service of this order. The OA is disposed of accordingly. There shall be no order as to costs.

mfs
(M.P. Singh)
Member(A)

Ashok Agarwal
(Ashok Agarwal)
Chairman

/gtv/