

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. No. 1038 of 1998

New Delhi, dated this the 3<sup>rd</sup> JUNE 1998

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HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Tota Ram, IDAS (Retd.),  
Dy. Controller of Defence Accounts,  
O/o the Jt. CDA (Funds),  
Meerut.  
R/o 309, Shiv Lok Kanker Khera,  
Meerut.

..... APPLICANT

(By Advocate: Shri V.P.S. Tyagi)

Versus

1. Union of India through  
the Secretary,  
Ministry of Personnel, Public Grievances  
& Pensions,  
Dept. of Personnel & Training,  
New Delhi.

2. Controller General of Defence Accounts,  
West Block V, R.K. Puram,  
New Delhi.

3. Defence Pension Disbursement  
Office, Meerut Cantt.

4. Chief Controller of  
Defence Accounts (Pension)  
Allahabad.

5. Jt. CDA (Funds),  
Meerut.

..... RESPONDENTS

J U D G M E N T

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant who attained 58 years of age on  
1.5.98 impugns respondents O.M. dated 13.5.98  
(Ann. A-1) extending the age of retirement of  
Central Govt. employees to 60 years of age and  
the Notification dated 13.5.98 (Ann. A-2)  
amending FR-56(a).

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2. We have heard applicant's counsel Shri Tyagi.

3. Prior to the issue of the impugned Order applicant was well aware that as his date of birth was 1.5.40, his date of superannuation was the afternoon of the last day of the preceding month on attaining the age of 58 years i.e. 30.4.98 as per the relevant Note 7 under FR 56 inserted by GOI, M/F Notification No. 7(7)-E.V(A)/74 dated 7.2.75 w.e.f. 5.4.75. Applicant received all his retiral benefits amounting to well over Rs.8 lakhs on that basis (Ann. A-4) and there is no averment that at any previous stage he, being born on the 1st of the month, had challenged the last day of the preceding month on attaining 58 years of age as his date of retirement on grounds of illegality, arbitrariness or violation of Articles 14 and 16 of the Constitution. Applicant's counsel has not explained why merely because the age of retirement has been extended from 58 to 60 years, the same has now become illegal, arbitrary or violative of Articles 14 & 16. 3

4. The impugned orders were issued on 13.5.98. Some cut off date had to be given by respondents and they have chosen the 1st day of the month in which the impugned orders were issued. Nothing has been shown to us to satisfy us prima facie that this date of 1.5.98 is arbitrary or illegal, and does not have a

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reasonable nexus with the objective sought to be achieved, namely extension of the age of retirement from 58 years to 60 years. (4)

5. Prima facie the O.A. lacks merit and is dismissed in limine.

A. Vedavalli  
(Dr. A. Vedavalli)  
Member (J)

S.R. Adige  
(S.R. Adige)  
Vice Chairman (A)

/GK/