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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

OA 1560/1998

New Delhi this the 28th day of January, 1999.

Hon'ble Smt. Lakshmi Swaminathan, Member (J)  
Hon'ble Shri N. Sahu, Member (A)

Shri Virinder Mohan Thareja,  
Junior Scientific Officer(Retd.),  
Resident of H.No.30, Pocket GG-III,  
Vikas Puri, New Delhi-110058.

..Applicant

(By Advocate Shri S.C.Luthra )

Versus

1. Union of India,  
through its Secretary,  
Ministry of Defence/South Block,  
Govt.of India, New Delhi.

2. Director General of Supplies and  
Transport,  
(Food Inspection Organisation)  
AHQ, QMO's Branch,  
Ministry of Defence,  
Govt.of India, Sena Bhawan,  
New Delhi-110001.

..Respondents

(By Advocate Sh. V.S.R. Krishna )

O R D E R

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

The applicant has filed this application claiming that he should be declared to be in continuous service till he attains the age of 60 years. He has challenged the order passed by the respondents dated 24.6.1998 in which it has been stated that he is governed by the provisions of FR 56 and as such he is to retire at the age of 58 years on superannuation and that the DOP&T O.M. dated 13.5.98 is not applicable to him. We have heard both the learned counsel for the parties and perused the records.

2. Learned counsel for the applicant has submitted that the applicant was to retire at the age of 58 years on 31.12.97.

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He has relied on the order passed by the Tribunal in the earlier case (OA 2279/97) filed by him in which by order dated 22.7.98 it was directed that the respondents should take a final decision regarding whether the retirement age be raised to 60 years from 58, in which case the applicant should get full benefits of the service. Learned counsel contends that as the respondents have taken a decision by DOP&T OM dated 13.5.98 to enhance the retirement age to 60 from 58 years, irrespective of the fact that he has retired from Govt. Service on 31.12.1997, he should get full benefits of the service. This has been denied by the respondents. They have stated that the OA is barred by the principles of res-judicata. They have also submitted that the question of age of retirement of Government employees is a policy matter and a decision has been taken that Junior Scientific Officers in Defence Research and Development Organisation (DRDO) are assisting in Research projects whereas in Food Inspection Organisation (FIO), i.e. the office of the respondents, the applicant is merely supervising the work of his subordinates. Hence they have taken a decision that the benefits of retirement on completion of 60 years as applicable to certain categories in DRDO have not been made applicable to the officers working in FIO who are governed under the provisions of FR 56 as existing on the date of retirement of the applicant on superannuation on 58 years. When the DOP&T OM dated 13.5.98 was brought into force, admittedly, the applicant had retired from Government service on 31.12.1997. We are unable to agree with the learned counsel for the applicant that because of the decision of the Tribunal dated 22.12.1997 in OA 2279/97, that OM becomes applicable for enhancement of the age of retirement of the applicant to 60 years with consequential benefits. The order of the Tribunal in the earlier

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case had merely given a direction to the respondents to take a final decision regarding whether the retirement age should be raised to 60 years in which case the full benefits of the service should be given to the applicant. In the facts and circumstances of the case, we find no merit in this application and the same is accordingly dismissed.

No order as to costs.

Prasanthi  
(N. Sahu)  
Member (A)

Lakshmi  
(Smt. Lakshmi Swaminathan )  
Member (J)