

Central Administrative Tribunal, Principal Bench

Original Application No. 1709 of 1998

New Delhi, this the 13th day of October, 2000

Hon'ble Mr. Kuldip Singh, Member (J)  
Hon'ble Mr. S.A.T. Rizvi, Member (A)

R.D. Arora, Stores Accounts Officer,  
Office of the Director of Accounts  
Cabinet Secretariat  
East Block IX, Level-7  
R.K. Puram, New Delhi

.....Applicant

(By Advocate: Shri A.K. Bhardwaj)

Versus

1. Union of India, through  
The Secretary,  
Cabinet Secretariat  
East Block No. IX, Level -7  
R.K. Puram, New Delhi-66

2. The Director of Accounts  
Office of the Director of Accounts  
Cabinet Secretariat  
East Block No. IX, Level -7  
R.K. Puram, New Delhi

3. The Dy. Director of Accounts (Admn)  
Office of the Director of Accounts  
Cabinet Secretariat  
East Block No. IX, Level -7  
R.K. Puram, New Delhi

.....Respondents

(By Advocate: Shri Madhav Panikar)

ORDER

By Hon'ble Mr. Kuldip Singh, Member (J)

The applicant retired from the Indian Air Force as Warrant Officer on 30.9.88. After his retirement, on the recommendations of the Air Headquarters, he was appointed as Stores Accounts Officer (in short 'SAO') in the Directorate of Accounts, Cabinet Secretariat, New Delhi vide letter dated 3.1.90. The applicant claims that he was appointed after an interview with the understanding that he will work there till he attains the age of 58 years and was due to retire on 30.9.98. He has submitted that after he joined the post of SAO, the respondents started issuing

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Δ letters alleging that his appointment was until further orders and also showing artificial extension of service on year to year basis. It is further pleaded that after the recommendations of the 5th Pay Commission, the Govt. of India, Ministry of Personnel, Public Grievances and Pensions had issued an Office Memorandum dated 13.5.98, raising the age of retirement of Government servants from 58 to 60 and according to that O.M., the applicant had now to retire only on attaining the age of 60 years. But in utter disregard of the OM dated 13.5.98, the respondents issued an office order dated 13.8.98 stating that applicant shall be relieved of his duties w.e.f. 30.9.98. It is this order which is assailed by the applicant in this OA, stating that the same is illegal and arbitrary. The applicant has prayed for quashing of the said order of relieving and also for a direction to respondents to retain him in service till he attains the age of 60 years.

2. The OA is contested by respondents. In their reply, respondents have mentioned that applicant was appointed as SAO vide order dated 3.1.90 on re-employment basis by mistake till he attains the age of 58 years. But the order dated 3.1.90 was superseded by another order dated 17.1.90 clearly stating that the applicant had been appointed as SAO for a period of one year in the first instance. Thereafter the appointment of applicant had been extended on year to year basis having regard to his performance. An order for completion of his tenure had been issued in terms of Cabinet Secretariat order dated 3.3.89 with the approval of the competent authority.

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Respondents have submitted that applicant has no case for continuing as SAO upto the age of 60 years and the petition deserves to be dismissed.

3. We have heard learned counsel for the parties and gone through the records.

4. At the outset, we may mention that when this OA was filed, the applicant had prayed for an interim direction and vide order dated 4.9.98, the impugned order dated 13.8.98 relieving the applicant w.e.f. 30.9.98 had been stayed. During the course of arguments, Shri A.K.Bhardwaj informed us that the applicant had continued in service upto the age of 60 years. Now, as far as prayer contained in clause (b) of paragraph 8 is concerned, this OA has become infructuous.

5. Learned counsel for the applicant Shri Bhardwaj submitted that on re-employment, the applicant should have been treated as a regular Government employee and if such type of observation is made by this Tribunal in their order, the applicant would be entitled to various retiral benefits. However, we find from the record that applicant has nowhere stated that he was a regular holder of civil post and was entitled to be regularised, nor any such prayer has been made in paragraph 8 of the OA. On the contrary, various letters issued by the respondents have been placed on record which show that the applicant had been appointed on re-employment basis and his term of appointment had been extended on year to year basis. The applicant had never raised any protest to these year to year extensions. So, after availing the benefits of year

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to year extension of service for a period of about ten years, the applicant cannot now claim at this belated stage that he was a regularly appointed Govt. employee, nor any such prayer has been made in this OA.

6. Therefore, we find that the oral submissions of Shri Bhardwaj to treat the applicant as a regularly appointed Govt. employee has no merit and the OA does not call for any interference. It is, therefore, dismissed.

No costs.

*S. A. T. Rizvi*

( S.A.T. Rizvi )  
Member (A)

*Kuldip Singh*

( Kuldip Singh )  
Member (J)

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