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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

C.P. No. 212/98
in
O.A. No. 2279/97

New Delhi this the 22 Day of July 1998

Hon'ble Mr. Justice K.M. Agarwal, Chairman
Hon'ble Mr. R.K. Ahooja, Member (A)

Shri Virinder Mohan Thareja,
Jr. Scientific Officer,
Composit Food Lab.
ASC, Lucknow Road,
P.II (Ground) Floor,
Delhi-110 054.

Petitioner

(By Advocate: Shri B.B. Raval) Vs.

1. Shri Ajit Kumar,
Secretary,
Ministry of Defence,
South Block,
New Delhi.

2. Lt. General J.S. Bhatnagar,
Director General of Supplies & Transport,
(Food Inspection Organisation)
AHQ QMS's Branch,
Ministry of Defence,
Govt. of India, Sena Bhawan,
New Delhi.

Respondents

ORDER

Hon'ble Shri R.K. Ahooja, Member (A)

The petitioner who was working as a Jr. Scientific Officer in Food Inspection Organisation under the Ministry of Defence was superannuated on attaining the age of 58. Claiming that as Government servant in similar Scientific Organisations such as Defence Research Development Organisation (DRDO), Ministry of Defence retired at the age of 60, he filed an O.A. No. 2279/97 seeking a direction that respondents allow him to continue in service till the applicant attained the age of 60. The respondents in reply pleaded that they were waiting for a policy decision. On that basis the following order was passed by the Tribunal on 22.12.1997.

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" In the circumstances, the respondents are directed to make a final decision and consider that this is a part of the policy decision, a final decision may be made this way or that way within 6 months from the date of receipt of a copy of this order and in case the respondents decided the retirement age be raised to 60 from 58, full benefit of the service shall be given to the applicant even after his superannuation at the age of 58. With this, this O.A. is disposed of. No cost"

2. The petitioner now states that the Government have since taken a policy decision as per their order dated 13.5.1998 raising the age of retirement from 58 to 60 years. Thereafter the applicant had written to the respondents on 15.5.1998 to allow him to rejoin duty on the basis of the aforesaid order of the Tribunal. He alleges that the respondents have committed contempt of the court in that they have refused to comply with the Tribunal's direction as is manifest from their letter of rejection dated 24.6.1998, copy of which is annexed at CP4.

3. We have heard the learned counsel. It is seen that the orders of the Government of India dated 13.5.1998 do not have retrospective effect. On the other hand the applicant had already superannuated on attaining the age of 58 years on 31.12.1997. We have also noticed ^{that} the Government of India's order dated 13.5.1998 relates to all Government servants and not only to those working in Defence Research Establishments. The contention of the applicant in the OA was that he should be treated on par with the employees working in those Establishments where the age of normal retirement is already 60. Therefore, the orders of Govt. of India dated 13.5.1998 cannot be

treated as a policy decision in the context of the earlier dispensation relevant to the Defence Research Establishment in which the applicant was working at the time of his retirement.

4. In view of this position, we do not find any disobedience or non-compliance of the orders of this Tribunal. C.P. is accordingly dismissed.

KM
(K.M. Agarwal)
Chairman

RKA
(R.K. Ahuja)
Member (A)

Mittal