

(8)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI;

O.A. NO. 189/94

New Delhi, this the 21st September, 1994

Hon'ble Shri J.P. Sharma, Member (J)

Hon'ble Shri B.K. Singh, Member (A)

Shri H.P. Bhatia,
R/o House No.41,
L.I.G., Double Storeyed Quarters,
Pratap Nagar,
Agra.

.... Applicant

(By Shri A.S. Dahiya, Advocate)

vs.

1. Union of India
through the
Secretary,
Ministry of Defence,
South Block,
New Delhi-11.

2. Director General,
EME, MGO's Branch,
Army Headquarters, DHQ, P.O.,
New Delhi-11.

3. The commandant,
509, Army Base Workshop,
Agra Cantt.

... Respondents

(By Shri M.K. Gupta, Advocate)

ORDER (ORAL)

Hon'ble Shri J.P. Sharma, Member (J)

The applicant was retired from the service by the order dated 1.12.93 (Annexure A-2) w.e.f. 28.2.94. He was working as a Senior Chargeman. Earlier to this by the order dated

602.

26.10.93 (Annexure A-1) the request of the applicant for reversion from the post of Senior Chargeman to Master Craftsman was rejected. The applicant was promoted as Senior Chargeman on 26.7.88 and since the reversion was permissible within 2 years of promotion, he has sought for reversion after completing five years of service in the grade of Senior Chargeman.

2. The representation having been rejected he prayed for quashing of the aforesaid order with a direction to the respondents to retire the applicant at the age of 60 years prescribed for the post of Master Craftsman.

3. The respondents contested this application by filing a reply.

4. Heard both the learned counsel of the parties who gave statement that the O.A. be decided as per judgement of O.A.626/90. A similar case came before the Principal Bench in O.A.626/90 Shri Parkash Chand Vs. Union of India. That O.A. was decided by the order dated 8.7.94 with the following directions:

"In the interest of justice and in the conspectus of the facts and circumstances of the case, we dispose of the case in the manner that applicants shall be entitled to all benefits etc. of the case of LAL CHAND & OTHERS VS. UNION OF INDIA (OA-1709/89) decided by the Principal Bench on 30.3.90,

if the aforesaid judgement is upheld by the Hon'ble Supreme Court and the S.L.P. filed by the Union of India against the judgement is dismissed. In case the S.L.P. is decided by any other modified order than that given by the Tribunal, then this case shall also be disposed of in terms of that order which may be passed by the Hon'ble Supreme Court in the aforesaid pending SLP filed by the Union of India."

5. The application is therefore also disposed of accordingly in terms of the above directions with no order as to costs.


(B.K. SINGH)
MEMBER(A)


(J.P. SHARMA)
MEMBER(J)

"E.K"