

(6)

Central Administrative Tribunal
Principal Bench

O.A. No. 2129 of 1999

New Delhi, dated this the 18th July, 2001

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

Shri H.C. Sharma,
S/o late Shri B.R. Sharma,
R/o DA/15F Harinagar,
New Delhi-110064.

.. Applicant

(By Advocate: Shri George Paracken)

Versus

1. Union of India through
the Secretary,
Ministry of Defence,
South Block, New Delhi-110011.
2. The Director General, NCC,
NCC Directorate, Delhi
Old Secretariat,
New Delhi.
3. Officer Commanding,
2, Delhi Arty Bn NCC,
Safdarjang Enclave,
New Delhi-110029.

.. Respondents

(None appeared)

ORDER (Oral)

S.R. ADIGE, VC (A)

Applicant impugns respondents' order dated 5.5.2000. He seeks a direction to respondents to consider extension of service as NCC officer beyond the age of 50 years commencing from 1.1.2000 or any date thereafter.

2. We have heard applicant's counsel Shri George Paracken. None appeared on behalf of respondents. Shri Paracken has shown us proof of service of notice upon respondents. No reply ^{has been} filed on their behalf.

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3. Applicant's date of birth is 1.1.1950. He would complete 50 years of age as on 1.1.2000. Shri Parackan has invited our attention to Para 5.4 and 5.5 of the O.A. which refers to Section 22 NCC Act & SRO 341 dated 19.12.62 which provides that service of an NCC officer may be extended upto 55 years of years subject to his being physically fit, and his retention in service being necessary and expedient in the public interest.

4. By the impugned order dated 5.5.2000 it appears that applicant's extension of service beyond 50 years has been rejected on the ground that his application for extension has been received late. Shri Parackan states that applicant submitted his application for extension of service in time i.e. on 8.5.99 well before he attained the age of 50 years.

5. We dispose of this O.A. with a direction to Respondents to examine applicant's claim for extension of service beyond the age of 50 years, by means of detailed, speaking and reasoned order in accordance with rules and instructions within two months from the date of receipt of a copy of this order under intimation to applicant.

6. If Respondents do not find it necessary and expedient to extend applicant's services beyond the age of 50 years they shall record detailed reasons for holding so, in their aforesaid order.

Till the aforesaid orders are passed any recovery of honorarium, outfit allowance^{etc} paid to applicant for the month of January and February 2000 shall remain stayed.

7. The O.A. stands disposed of accordingly.
No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

karthik

S.R. Adige

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