

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 493/1988

DATE OF DECISION 3.8.93

Sh. Ram Singh ... Petitioner

v/s

Delhi Admin. & Ors. ... Respondents

FOR THE APPLICANT ... None

FOR THE RESPONDENTS .. None

CORAM

Hon'ble Sh. I.K. Rasgotra, Member (A)
Hon'ble Sh. B.S. Hegde, Member (J)

JUDGEMENT (ORAL)

(delivered by Sh. I.K. Rasgotra, Member (A))

When this case was called out, neither his counsel nor the applicant was present. None for the respondents. In the circumstances, we proceed to decide the case on merits after going through the records.

The petitioner had filed this Original Application challenging the order of the respondents retiring him on attaining the age of superannuation i.e. 58 years on 31.3.1988. The petitioner had worked as Project Officer in the, Institute of Non-Formal Education and Adult Education (Adult Education Branch). He claimed that should be treated at par with Post Graduate Teacher (Delhi Admin.) and that he should be retired only on attaining the age of 60 years.

Respondents in their counter affidavit

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have explained that the petitioner was appointed as Supervisor and later was promoted as Project Officer. This is separate ex-cadre category in the Directorate of Education. The nature of duties and responsibilities of the project officers are not identical to the duties and responsibilities of the Teacher. The petitioner therefore, cannot claim equation with the Teachers in the matter of age retirement.

From MP No. 2262/88 filed by the petitioner it appears that he actually retired from service on 31.3.1988. He has prayed in the said M.P. that respondents should be directed to pay to the applicant every month a sum equivalent to pension to which the applicant would be in any case entitled, without prejudice to his claims in the Original application. Respondents have also pointed out that the Annexure A-2 (annex with application) redesignating the personnel in the Adult Education Branch was cancelled vide letter dated 25/26-4-88. The order dated 28.3.1987 cannot, therefore, be basis for the relief claimed by the petitioners.

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The respondents have further contended that there are various kind of posts in Delhi Administration in the pay scale of Rs 1640-2900. These posts are not on par with the post of Post Graduate Teacher. The scale of pay cannot thus be the criterion for determining equivalence with Post Graduate Teacher. Project Officer is one of the such post in the pay scale of Rs 1640-2900. It is the nature of duties and responsibilities that entitles the Post Graduate Teacher the benefit of retirement on attaining the age of 60 years.

We have perused the records of the case and carefully considered the matter. Admittedly the respondent dismissed the order where petitioner was given revised designation but the said order was cancelled vide order 25/26.4.88. The order dated 28.3.87, therefore, does not bestow any right on the petitioner to claim the age of retirement at par with Post Graduate Teacher.

Respondents have clearly stated that the nature of duties and responsibilities of the Project Officer is not identical to the duties and

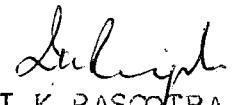
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responsibilities of a Teacher. Thus retirement at the age of 58 years of the Project Officer is flows logically from the nature of the post held. The age of retirement for the Project Officer was framed in consonance with the provision made in Fundamental Rule 56(A).

In the above facts and circumstances of the case, we do not see any reason to interfere with the decision of the respondents to retire the petitioner at the age of 58 years. O.A. is accordingly, dismissed. No costs.


(B.S. HEGDE)
MEMBER(J)


(I.K. RASGOTRA)
MEMBER(A)