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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA-332/86 Date of decision: 14.8.1992

Shri Krishan Avtar Applicant

Versus

Union of India and Respondents
Others

For the Applicant Shri Umesh Misra, Advocate

For the Respondents Shri N.S. Mehta, Sr. Advocate

CORAM:

The Hon'ble Mr.P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr.B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgment? *Ys*

2. To be referred to the Reporters or not? *NO*

JUDGMENT

(of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice Chairman(J))

The short point for consideration is whether the impugned order of retirement dated 28.4.1983 passed by the respondents directing that the applicant will stand retired from Government service w.e.f. 30.4.1983 on completion of 58 years of age, is legal and valid.

2. We have gone through the records of the case and have heard the learned counsel for both the parties. The

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applicant has worked as Section Holder in the Government of India Press, Minto Road, New Delhi. On 10.11.1982, the respondents issued a Memo. to him intimating that he would attain the age of 60 years on 23.12.1983 and he would retire from Government service on 31.12.1983, according to the latest orders of the Government of India.

3. The respondents have annexed to their counter-affidavit letter dated 27.11.1979 stating that the Government have accepted the recommendations of the Categorisation Committee for the categorisation of Government of India Press workers and that the recommendations would take effect from 1.1.1979. One of the recommendations was the categorisation of the post of Section Holder as "Supervisory". On 8.4.1983, the respondents issued an O.M. to the effect that the matter was re-examined and decided that the reduction of age of superannuation from 60 to 58 years would affect both the existing and the future incumbents and that it was not necessary to give notices to the affected officials under Chapter II A of the Industrial Disputes Act. The impugned order was passed by the respondents thereafter.

4. The applicant had worked upto the age of 59 years and four months. Had he been told that the age of retirement had been reduced from 60 years to 58 years, it was

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argued that he could have availed of about 250 days' leave which was to his credit. We are not impressed by this contention. The applicant continued in service after he had crossed the age of 58 years, even though the Government had accepted the recommendation of the Categorisation Committee to reduce the age of retirement of Section Holders from 60 to 58 years in January, 1979.

5. In K. Nagaraj and Others Vs. State of A.P., 1985 (1) SCC 23, the Supreme Court has upheld the right of the Government to reduce the age of retirement from 58 to 55 years in public interest. The question of giving a show-cause notice to the government servants in such cases, does not arise.

6. In the light of the above, we see no merit in the present application and the same is dismissed. There will be no order as to costs.

B.N. Dhundiyal
(B.N. Dhundiyal) 14/8/92
Administrative Member

Parvati
14/8/92
(P.K. Kartha)
Vice-Chairman (Judl.)