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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

C.C.P. NO. 236/91 in
O.A. NO. 2534/89

DECIDED ON : 27.02.1992

Smt. Usha Sharma ... Petitioner
Vs.
Union of India & Ors. ... Respondents

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THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. P. C. JAIN, MEMBER (A)

For the Petitioner - Shri R. P. Sharma, Counsel
For the Respondents - Ms. Geeta Luthra, Counsel

ORDER (ORAL)

(Hon'ble Mr. Justice V. S. Malimath, Chairman) :

The complaint in this case is that by the order Annexure 'C' the respondents have violated the orders of this Tribunal which entitled the petitioner to continue in service until the O.A. was disposed of on 10.10.1991. On the strength of the interim order the petitioner was continued in service, is not disputed. The O.A. was ultimately dismissed rejecting the petitioner's contention that she is entitled to continue on the post she occupied till her attaining the age of 60 years. However, a direction was issued that an option should be given to the petitioner to opt to go to the lower post, in which case she would be entitled to continue till attaining the age of 60 years. What is her complaint is that by the order Annexure 'C', it is stated that the petitioner must be regarded as having retired w.e.f. 31.12.1989.

That would be the correct date for retirement if the petitioner did not opt as per the directions of the

Tribunal. In the reply it is stated that such an option was given by the order dated 15.10.1991 and that the petitioner has not exercised the option. Hence, in law, the petitioner was liable to retire w.e.f. 31.12.1989. Therefore, there is no illegality in the authorities treating the petitioner as having retired on 31.12.1989. The petitioner though retired on 31.12.1989, however, continued for some time on the strength of the interim order. There is no complaint about that aspect of the matter. We, therefore, see no good ground to interfere as there is no substantial violation of the order of the Tribunal. Hence, the C.C.P. is dismissed. No costs.

(P. C. JAIN)
MEMBER (A)

Malimath
(V. S. MALIMATH)
CHAIRMAN

as
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