

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

(P)

OA 1026/90

New Delhi, this the 11th day of October, 1994

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

Hon'ble Mr. S.R. Adige, Member(A)

Sh. Phool Chand, S/o Sh. Gopi Ram  
r/o B-22, Shivaji Colony  
Meerut Cantt.  
Senior Chargeman No.P.14690196  
Meerut Cantt.

.... Applicant

(By Advocate : Sh. M.S. Dahiya)

Vs.

1. Union of India, through  
Secretary  
Ministry of Defence  
New Delhi - 110 011

2. Director General, EME,  
MGO's Branch  
Army Headquarters  
DH W.P.O  
New Delhi - 110 011

3. Commandant  
510 Army Base Workshop  
Meerut Cantt.

.... Respondents

(By Advocate : Sh. V.S.R. Krishna)

ORDER(Oral)

Hon'ble Mr. J.P. Sharma

The applicant has been working as Senior Chargeman in 510, Army Base Workshop, Meerut. By the order dated 20th April, 1988, the applicant was made to superannuate at the age of 58. The contention of the applicant is that they are

governed by FR 56(b) on the basis that Workman has been defined in the note appended below FR 56(b).

The contention of the Union of India is that the applicant was working as Senior Chargeman are governed by provisions of FR 56(a), i.e., they have to superannuate at the age of 58 years.

2. The point came for decision before the Principal Bench in a bunch of OA Nos. 640/88, 753/88 & 171/89 which was disposed of by a common judgement by the order dated 3rd September, 1990 by the Principal Bench. The Union of India filed an appeal before the Hon'ble Supreme Court SLP Nos. 8529-31/90 and the Hon'ble Supreme Court stayed the operation of the said judgement.

3. The respondents contested this original application also by taking certain plea that the applicant do not fall within the definition of workman as defined in note appended below FR 56(b). We heard the learned counsels Sh. M.S. Dahiya for applicant and Sh. V.S.R. Krishna for respondents. Both the counsels made a statement at the Bar that some other cases have come before this Bench and these cases have been disposed of as per direction given in other judgement of OA 626/90 decided on 8.7.94. This case also be disposed of with the same direction.

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....3/-

4. The direction given in the judgement is "..... in the interest of justice and in the conspectus of facts and circumstances of the case, we dispose of the case in the manner that the applicant shall be entitled to all benefits, etc. of the case of Lal Chand and Ors. Vs. UOI (OA 1709/89) decided by the Principal Bench on 30th March, 1990, the aforesaid judgement has been upheld by the Hon'ble Supreme Court on SLP filed by UOI against the judgement is dismissed. In case, the SLP is decided by other modified order given by the Tribunal in the aforesaid OA, then this case 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 UOI".

5. We agree with the above proposition and we direct that the present application be also disposed of accordingly in terms of the above directions. No orders as to costs.

*Arvind*  
(S.R. Adige)  
Member(A)

*Sharma*  
(J.P. Sharma)  
Member(J)

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