

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

O.A. No.1730/90

New Delhi, dated this 19th day of September 1994.

Hon'ble Mr. P.T. Thiruvengadam, Member (A).

Hon'ble Mr. T.L. Verma, Member (J).

Shri S.L. Shah,
S/o Shri C.L. Shah,
R/o 12/2, Shakti Nagar,
Agra Cantt.
509, Army Base Workshop,
Agra Cantt.,
Senior Changeman P.3437.

... Applicant.

By Advocate: None.

Versus

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

2. Director General, E.M.E.,
M.G.O's Branch,
Army Headquarters, DHQ P.O.,
New Delhi-110 011.

3. The Commandant,
509, Army Base Workshop,
Delhi Cantt.

... Respondents.

By Advocate: Shri M.K. Gupta.

ORDER (Oral)

Hon'ble Mr. P.T. Thiruvengadam.

This is an old case filed in the year 1990. At the time of final hearing, none appeared for the applicant. Since the case is old, we are proposing to dispose of the case based on the arguments adduced by the respondents and based on the records available in the paper book.

2. The applicant was functioning as Senior Changeman in the Army Base Workshop from 29.6.1985. His date of birth is 1.9.1932 and relevant daily order published by Commandant, 509 Army Base Workshop, Agra dated 20.12.1989 (Annexure P-1), the applicant was shown as due for retirement on 31.8.1990. This O.A. was filed sometime in August 1990 for issue of

Mandamus directing the respondents to allow the applicant to continue till the applicant attains the age of 60 years. The applicant was mainly relying on the orders passed by this Bench of the Tribunal in OA No.763/88, 640/88, 1709/89 dated 30.3.1990 wherein similarly placed applicants were allowed the benefit of continuing in service upto the age of 60 years. The learned counsel for the respondents stated that the Hon'ble Supreme Court by its order dated 3.9.1990 has stayed the operation of the above 3 OAs, which is placed as Annexure IV to the reply. Reference was also made to the order passed by the Bombay Bench of this Tribunal in TA No.336/86 dated 9.2.88. In this order, it has been held that those occupying the post of Senior Chargeman are not entitled to be kept in service beyond the age of 58 years.

3. In the circumstances that a stay has been granted by the SC and the issue raised is under consideration of the SC, no final orders can be passed at this stage by this Tribunal.

4. The O.A. is dismissed with liberty to the applicant to approach the appropriate forum depending upon the final disposal of the issue by the Hon'ble Supreme Court.

T.L. Verma
(T.L. VERMA)
MEMBER (J)

P.T. Thiruvenkadam
(P.T. THIRUVENGADAM)
MEMBER (A)

Pup