

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. No. 2506/90

New Delhi this the 8th December, 1990.

Shri N.V. Krishnan, Vice Chairman(A).

Smt. Lakshmi Swaminathan, Member(J).

K.D. Sharma
S/o Pt. Girath Ram,
R/o 19/39-A, Tilak Nagar,
New Delhi.

...Petitioner.

None for the petitioner.

Versus

1. Union of India through
its Secretary,
Ministry of Defence,
Government of India,
New Delhi.
2. Director General of Ordinance
Services,
Army Headquarters,
DHQ PO New Delhi
3. Commandant,
Central Vehicle Depot,
Delhi Cantt.

...Respondents.

By Advocate Shri M.K. Gupta.

ORDER (ORAL)

Shri N.V. Krishnan.

The applicant was a Senior Chargeman under respondents and admittedly retired at the age of 58 years from the service. He has filed this O.A. for a mandamus to be issued to the respondents to reinstate him on the post of Senior Chargeman w.e.f. 1.2.1990 and give him all consequential benefits.

2. The ground urged for this prayer is that the applicant was promoted to the post of Electrician AFV who retires at the age of 60 years and is covered by Article 45(b) of Civil Service Regulation and FR 56(b). However, by his

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promotion to the post of Senior Chargeman, the retirement age of the applicant has been reduced as he has been retired at the age of 58 years. He claims that the Senior Chargemen are covered by the Industrial Disputes Act and he falls within the definition of Workmen under that Act. The applicant has relied upon the judgement of this Tribunal in Balveer Singh Verma Vs. Union of India for this claim.

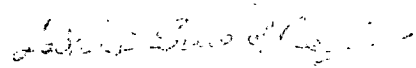
3. When the matter came up for final hearing today, the learned counsel for the respondents submitted that there is an order of the Supreme Court dated 3.9.1990 wherein the notice was issued to the respondents in respect of the judgement of this Tribunal in O.As 640/88, 753/88 and 1709/88 against which applications the appeals have been filed before the Supreme Court. After directing issue of notice to the respondents, the Supreme Court directed that the operation of the impugned judgement shall remain stayed. The O.A. 753/88 is a case filed by Shri Balbir Singh Verma as can be seen from the order dated 10.12.1990 which is relied upon by the applicant in this O.A.

4. The learned counsel for the respondents suggests that the judgements of the Tribunal holding that Senior Chargemen could be retired only at the age of 60 had been stayed by the Supreme Court and as the final decision had to be rendered in those appeals, it will be proper to dispose of this O.A. with a direction that whatever judgement is rendered by the Supreme Court in those appeals will be made applicable by the respondents to the case of the applicant also even though he had not filed any appeal in this regard before the Supreme Court. We are of the view that this is the only manner in


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which the present application can be disposed of and accordingly we dispose of this O.A. with a direction to the respondents that whatever judgement is delivered by the Supreme Court in the appeals arising out of SLP Nos. 8529-31/1990 in respect of O.As 640/88, 753/88 and 1709/88 would be made applicable to the present applicant even though he was not a party to any appeal before the Supreme Court.

The O.A. is disposed of accordingly.


(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'


8/12/94
(N. V. Krishnan)
Vice Chairman (A)