

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. No.1280/91

New Delhi, dated the 5th May, 1995

Hon'ble Shri A.V.Haridasan, Vice Chairman (J)
Hon'ble Shri K.Muthukumar, Member (A)

1. Sh. Bhupal Singh S/o Shri Risal Singh
SCM 509- Army Base Workshop, Agra Cantt.
2. Sh.Madhu Sudan Bhattacharya
son of Shri R.S. Bhattacharya,
SCM 509-Army Base Workshop, Agra Cantt.
3. Sh.Mohan Lal s/o Sh.Bishamber Lal
SCM 505-Army Base Workshop, Delhi Cantt.
4. Sh.Dwarka Nath s/o Mangal Sain
Chargeman, 505-Army Base Workshop, Delhi Cantt.
5. Sh.Girdhari Lal s/o Sh.Tek Chand
SCM 505, Army Base Workshop, Delhi Cantt.

... Applicants

(None for the applicants)

Vs.

1. Union of India, through
Director, E.M.E. M.S.Os Branch
Army Headquarters, DHQ P.O.
New Delhi.
2. The Commandant, 505-Army Base Workshop,
Delhi Cantt.
3. The Commandant,
505-Army Base Workshop,
Delhi Cantt.

... Respondents

(By Advocate Sh.M.K. Gupta)

ORDER (ORAL)

[Hon'ble Shri A.V.Haridasan, Vice Chairman (J)]

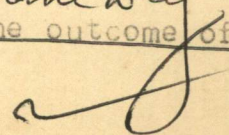
The applicants who were Chargemen and
senior Chargemen in different Units of the Army Base
Workshop are categorically aggrieved by the fact that

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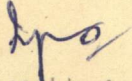
they all were retired at the age of 58 years. According to them, they were ^{is he} ~~all~~ retired at the age of 60 years. Relying upon the decision of the Tribunal in OA 753/88, 1709/1989 and OA-640/1988, they have prayed that the respondents may be directed to allow the applicants to continue in service till the age of 60 years.

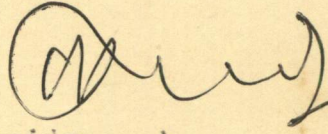
2. Respondents have resisted this application. They contend that the Chargemen and Senior Chargemen are not entitled to continue in service till the age of 60 years and their age of superannuation is 58 years. They further contend that against the operative part of the said judgment a S.L.P. was filed before the Hon'ble Supreme Court vide No.8529-31 of 1990 (A copy of the interim relief of the Apex Court has been annexed at Annexure R-11 to the reply statement).

3. When this case was called out, none appeared for the applicants. Shri M.K.Gupta, counsel for the respondents argued that an identical question came for consideration before the Tribunal in OA No.2506/90 and OA-2208/90 and that those cases were disposed of with a direction to the respondents that whatever judgment is delivered by the Supreme Court in the S.LP bearing No.8529-31 of 1990 would be made applicable to the applicants therein. Shri M.K.Gupta ^{Submitted} ~~proposed~~ that this case may also be disposed of ^{in the same way} on the same manner. After perusal of the material on records, we are convinced that this O.A. should also be disposed of on ^{in the same way} ~~the basis of the outcome of the S.L.P. filed by the respondents.~~



4. In the result, the application is disposed of with a direction to the respondents to retire the applicants at the age of 60 years ^{or next but the applicant relinquit at 60 years as per} if it is held by their Lordships of Hon'ble ^{Career} Supreme Court in SLP 0529-31 of 1990 and then grant them all consequential monetary benefits flowing thereon. If the Supreme Court sets-aside the judgment of the CAT then ~~they are not entitled to continue in work upto the age of 60 years and~~ the applicants shall not be entitled to any relief. There will be no order as to costs.


(K. Muthukumar)
Member (A)


(A. V. Haridasan)
Vice Chairman (A)

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