

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench, New Delhi

Q.A. No. 798/91

March 21, 1995

HON'BLE MR. S.R. ADIGE, MEMBER (A)
HON'BLE DR. R.K. SAXENA, MEMBER (J)

Shri Surinder Singh,
S/o Shri Kishan Singh,
Type III/2 Press Colony, Mayapuri,
Ring Road, New Delhi.

(By Advocate O.P. Sood) APPLICANT

VERSUS

1. Union of India,
through Director of Printing,
Nirman Bhawan, 'B' Wing, New Delhi.

2. Manager,
Government of India Press, Mayapuri,
Ring Road, New Delhi.

(None for the respondents) RESPONDENTS

JUDGEMENT (ORAL)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this application Shri Surinder Singh has challenged the order dated 12.12.1990 passed by the Manager, Government of India Press, Mayapuri, New Delhi retiring him at the age of 58 years on 31.7.1991. The applicant claims that he is entitled to serve upto the age of 60 years in accordance with FR 56B.

2. The applicant's case is that he was initially employed as Class IV employee in May, 1952 and was again appointed against a Class IV Post as Labourer in 1953 and was thereafter promoted as Machine Man in 1968. He was promoted as Machine Man Grade II on 16.6.1970 and promoted to Grade I in 1984. He was further promoted as Time Checker on 3.3.1989, in the pay scale of Rs.1400 - 2300, from which post he retired on 31.7.91.

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He contends that the press where the applicant was working (Govt. of India Press, Mayapuri, New Delhi) is an industry and that the applicant is a Class III non-gazetted employee which is highly skilled and works on machines along with other machines. Under the circumstances the applicant claims that in accordance with the provision of FR 56-B he comes under the category of workman and is, therefore, entitled to remain in service till he attains the age of 60 years but the respondents have illegally and arbitrarily retired him on 31.7.1991 upon attaining the age of 58 years.

3. The respondents have challenged the contents of OA in their reply and have stated that the applicant is a Group 'C' employee appointed to the post of Time Checker, which does not require any skilled performance which includes amongs its duties the job of allotting the work, watching the time taken by the workers in doing the allotted work and then supervising the work. It is contended that the post of Time Checker is the last rung supervisory post in the field. It has been further pointed out that the Government of India had appointed a categorization Committee which had designated the post of Section Holder as a supervisory post (Annexure II), and the same recruitment rules govern the post of Section Holder as well as Time Checker and these are such as the post ^{is in Rules in} prescribed as Supervisory (Annexure III). It has further been averred by the respondents that the Tribunal in their judgement dated 22.9.1988 in O.A. 438/86 in Shri Roshan Singh Vs. Govt. of India Press have held that the post of Section Holder is a ^{not a} supervisory post, which is ^{not} entitled to the benefits under FR 56-B (Annexure IV). It appears that an SLP was filed against that judgement in Hon'ble Supreme Court which was also rejected as having

no merit (Annexure V).

4. We heard Shri O.P. Seed, counsel for the applicant. Shri Seed has relied upon the judgement of the Delhi High Court dated 28.2.1989 in Manohar Lal Vs. Municipal Corporation of Delhi and Chhango Lal Vs. Municipal Corporation of Delhi in support of his contention that the applicant is a workman and is entitled to continue in service till the age of 60 years. Shri Seed has also referred to the ruling of Hon'ble Supreme Court in S.K. Verma Vs. Mahesh Chand AIR 84 SC 2462 and Engineering Construction Corporation Vs. Assistant Labour Commissioner, Madras 1980 (2) LLJ 16 in support of the proposition that it is not in the nomenclature of the post, but the actual duties, responsibilities, etc. which has to be examined to determine whether the post is a workman or not. ^A None appeared for the respondent.

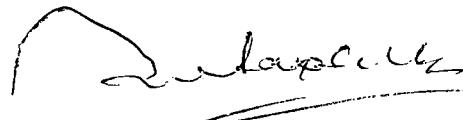
5. On a perusal of the judgements in Manohar Lal's case and Chhango Lal's case, ^{it is felt that they} are not relevant to this case because Manohar Lal was a binder who was subsequently promoted as a Foreman (Bindary) where Chhango Lal was a compositor who was eventually promoted as a Foreman (case). It is clear that the trades of bindary and compositor are different from the trade in which the applicant was working and hence these two judgement^s ^A relied upon by Shri Seed do not help the applicant.

6. There is no doubt that when determining whether a Govt. employee is entitled to the benefits of FR 56-B, it is not the nomenclature of the post but the actual nature of work, duties, responsibilities, etc. that has to be examined. From the material

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before us it is clear that the Tribunal in its judgement dated 22.9.1988 in O.A. 438/86 in Reshan Singh Vs. Govt. of India Press went into the question whether Section Holders were workmen or not in great detail, and having examined the nature of duties, responsibilities etc. performed by them, held that they were not workmen but supervisors, and, therefore, were not entitled to the benefits of FR 56-B. The recruitment rules (Annexure A.3) places Section Holders and Time Checkers (Such as the applicant) on equal footing as General Category Central Service Group C Supervisory: Non-Gazetted, Non-Ministerial Post, and under the circumstances we have no hesitation in holding that the applicant is ^{not} entitled to the benefits under FR 56-B and, therefore, was rightly retired by the respondents upon his attaining the age of superannuation i.e. 58 years on 31.7.1991.

7. Under the circumstances this application fails and is dismissed. No costs.


(Dr. R.K. SAXENA)
Member (J)


(S.R. ADIGE)
Member (A)