

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 1306 of 1993

New Delhi this the 23rd day of September, 1998

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)  
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

Shri J.S. Bakshi  
S/o Late Shri S.S. Bakshi  
R/o J-99 Rajouri Garden,  
New Delhi.

...Applicants

None for the applicant.

Versus

Union of India through

1. The Secretary,  
Ministry of Agriculture,  
Department of Animal Husbandry &  
Dairying,  
Krishi Bhavan,  
New Delhi-110 001.
2. The General Manager,  
Delhi Milk Scheme,  
West Patel Nagar,  
New Delhi-110.008.

...Respondents

None for the respondents.

ORDER (ORAL)

Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

None for the applicant even on the second call.  
None for the respondents either. This case is listed at  
item 8 of the today's cause list. In the circumstances,  
we have perused the pleadings.

2. The applicant has impugned the order dated  
14.5.1993 retiring him from service on 31.10.1993. He  
claims that he should have been allowed to perform his  
duty till he attained the age of 60 years under FR 56(b).

3. From the facts we note that the applicant has  
been working as Senior Analyst under the respondents,  
which is a non-gazetted Group 'B' post. The applicant

8/



claims that he is a "Workman" working in the post of Senior Analyst in the Delhi Milk Scheme and, therefore, he should be allowed to retire at the age of 60 years and not at the age of 58 years. In the rejoinder the applicant has submitted that he is an Industrial and Technical Worker who is required to work manually by hand and, therefore, is entitled for enhancement in the retirement age. He has also submitted that he is an Industrial Worker under the Factory Act.

4. The respondents in their reply have submitted that in another O.A. 705 of 1988, the applicant has prayed for a declaration that he should be considered as a supervisory staff of DMS. On the merits of the case, they have submitted that the applicant is not a 'Workman' as defined in the Note below FR 56(b). In the circumstances, they have submitted that the applicant is not entitled to be retained in service beyond the age of 58 years and the impugned order has been correctly passed in accordance with the rules.

5. FR 56(b) provides as follows:-

"A workman who is governed by these rules shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years.

Note -In this clause, a workman means a highly skilled, skilled, semi-skilled, or unskilled artisan employed on a monthly rate of pay in an industrial or work-charged establishment".

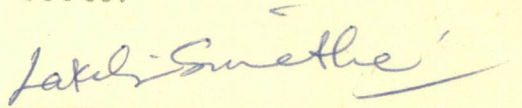
6. The applicant was working as Senior Analyst with D.M.S. which is a non-gazetted Group 'B' category. In the circumstances, the applicant cannot be considered as a 'Workman' within the meaning of the Note below FR 56(b).

85



We find no merit in the application and the same is accordingly dismissed. No order as to costs.

  
(K. MUTHUKUMAR)  
MEMBER (A)

  
(MRS. LAKSHMI SWAMINATHAN)  
MEMBER (J)

Rakesh