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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

O.A No. 1749/93

Date of decision: 5-9-93

Shri K.M. Nagar & Ors

Petitioners

Vs

Union of India

Respondents

Coram: The Hon'ble Mr. I.K.Rasgotra, Member (A)

The Hon'ble Mr. B.S. Hegde, Member (L)

For the petitioners

.. Sh.M.A. Rehman, Counsel

For the respondents

.. None.

JUDGEMENT

(of the bench delivered by Hon'ble I.K. Rasgotra, Member (A))

The petitioners herein S/Shri K.M. Nagar, L.N. Jhamb, Obaidullah, Inderjit Sharma and D.L. Sharma are seeking the benefit of extension of the order of the Ministry of Education and Culture (Department of Education) Government of India letter dated 6th September 1993 by which the age of retirement of teachers including Primary School Teachers, Lab. Assistants, Librarians, Principals and Vice Principals working in schools in other Union Territories except Chandigarh was enhanced to 60 years. The said order was made effective from 2.9.1993. The case of the petitioners is that they are working as instructors in the ITIs under Delhi Administration. The instructional staff are doing identical work as is done by the school teachers in Delhi Administration. In the course of the hearing on admission Shri M.A. Rahman, learned counsel for the petitioners was asked to explain as to why the petitioners did not agitate the matter at appropriate time in the appropriate forum. In response the learned counsel referred us to a copy of the representation dated 30.8.1992 which the petitioners addressed to the Hon'ble Minister of Labour, Government of India. It appears that the petitioners did not demur for a period of about 9 years. In that view of the matter the O.A. is barred by limitation under Section 21 of Administrative Tribunal Act 1985. Even on merits the petitioners have no case in as much as vide Office Memorandum

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dated 10.3.1989, the Government of India have decided that the age of retirement on superannuation for teachers would also be 58 years. This matter has been discussed in the Judgment of Supreme Court in the case of B.P.Singh & Ors Vs. Director General, Ordnance Factory & Ors (Kuldip Singh, J.) Jt 1991 (3) S.C. 29 The said Memorandum is reproduced below:

"As the Ministry of Human Resource Development etc. are aware, the age of superannuation for all Central Government employees, save with the exception of a few categories, has been fixed at 58 years and they are to retire on the last day of the month in which they attain that age. However, there is no uniformity in the age of superannuation of teachers in various schools/institutions in the Central Government.

2. In the light of the observations of the Fourth Central Pay Commission regarding the age of retirement of Central Government employees, the Government has reviewed the entire question de novo and it has now been decided that the age of retirement on superannuation of all teachers working in Central Government Departments and Organisations including Union Territories may be uniformly fixed at 58 years, whether they are in the Ministry of Education, Ministry of Railways, Ministry of Defence or any other

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Ministry/Department or in Delhi Administration. Consequently, in schools/institutions where the age of retirement on superannuation for teachers is presently fixed at 58 years, no change is required to be made and the incumbants as well as future recruits shall retire on attaining the age of 58 years. However, in regard to schools/institutions where the age of retirement on superannuation for teachers is presently fixed at 60 years, the same shall be lowered to 58 years w.e.f. 1st April, 1989 with the exception that the teachers who had joined such schools/institutions prior to this date, shall continue to enjoy existing benefit and superannuate on attaining the age of 60 years. Further, in respect of such schools/institutions, no new appointment, either on regular or an hoc basis, shall be made between the date of this Office Memorandum and 1.4.1989."

It is observed from the above that the age of retirement on superannuation of all teachers working in the Central Government Department and Organisations including Union Terriotires has been fixed uniformly at 58 years effective from 1.4.1989. Consequently in the institutions where the age of retirement on superannuation for teachers is presently fixed at 58 years, no change is required to be made. The age of retirement in the case of petitioners is already 58 years. They cannot be extended the benefit of retirement on

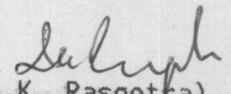
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superannuation at 60 years in view of the policy decisions of the respondents adverted to above. The O.A. is therefore dismissed as devoid of merit at the admission stage itself.


(B.S. Hegde)

Member(J)


(I.K. Rasgotra)

Member (A)

8/9/1993

Mittal