

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

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MP 1420/1993 in
Regn. No. OA 426/1993

Date of decision: 11.06.1993

Shri P. Sesudas & Others

...Petitioners

Versus

Union of India & Others

...Respondents

For the Petitioners

...Shri K.B.S. Rajan,
Counsel

For the Respondents

..Shri M.L. Verma,
Counsel

Shri Arjun Dev,
Under Secretary on
behalf of the
respondents

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. S.R. ADIGE, MEMBER (A)

1. To be referred to the Reporters or not?

JUDGMENT (ORAL)
(of the Bench delivered by Hon'ble Mr. Justice
S.K. Dhaon, Vice Chairman)

The controversy in this application is whether the petitioners should be made to retire at the age of 58 years or at the age of 60 years.

2. Today Shri Arjun Dev, Under Secretary, has made a statement, been which has/recorded by us, to the effect that the petitioners did not exercise any option. Therefore, under the relevant statute, the retirement age of the petitioners is 58 years. In paragraph 5.7 of the application the averments are these: "There has been no case of retirement of offset machinemen reaching the age of 60 years. To the knowledge of the petitioners, in the recent past, an offset machine man by name K.B.Singh superannuated on 31.1.1992, after attaining the age of 60 years. Similarly, a senior artist by name Shri P.V. Rao was superannuated on 31.7.1992 after he attained 60 years and one Shri K.D. Sarkar, SENior Artist Retreacher retired on 31.12.1992 on attaining 60 years. Thus, attempt to retire the petitioners at the age of 58 years is violative of Article 14 and 16 of the Constitution of India".

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3. In the reply filed on behalf of the respondents there is no denial of the aforesaid averments.

4. If the aforesaid averments are correct, the petitioners shall not be retired at the age of 58 years and they will have a right to continue upto the age of 60 years. We make it clear that this decision will not operate as a precedent.

5. With these directions, this application is disposed of finally but without any order as to costs.

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(S.R. ADIGE)
MEMBER (A)
11.06.1993

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(S.K. DHAON)
VICE CHAIRMAN
11.06.1993