

Open Court.

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 18th Day of August, 2000

Coram: Hon'ble Mr. Justice R.R.K.Trivedi, V.C.

Hon'ble Mr. S. Dayal, A.M.

Original Application No. 276/96

Avinash Chandra Mathur,
son of Late Sri S.K. Mathur,
resident of 78,
Munna Lal street, Parade,
Kanpur.

. . . Applicant

Counsel for the applicant: Sri Vipin Sinha, Adv.

Versus

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. The Scientific Advisor to Minister of Defence and Director General of Defence Research and development Ordn, Ministry of Defence, New Delhi.

. . . Respondents.

Counsel for the respondents: Sri R.C. Joshi, Adv.

Order (Open Court)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

We have heard Sri Vipin Sinha, learned counsel for the applicant and Sri Manoj Kumar holding brief of Sri R.C. Joshi for the respondents.

2. The facts giving rise to this application are that the applicant Avinash Chandra Mathur was serving as Scientist Group 'D' in the Chief Inspectorate of Textile & Clothing (C.I.T. & C.).

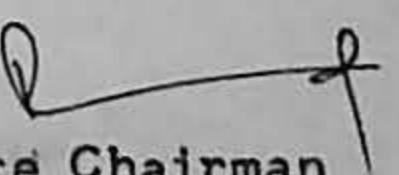
The applicant was retired on attaining the age of superannuation of 58 years with effect from 31.12.1995. However, the Government by O.M. dated 24.12.1985 enhanced the age of superannuation from 58 to 60. The applicant claims that he has been wrongly retired in 1995. He was entitled to continue upto December 1997. He has also prayed for the arrears of salary and other benefits and recalculation of the pension and ^{other} ~~retiral~~ benefits on the basis of the same.

2. The learned counsel for the applicant has also submitted that the claim of the applicant is squarely covered by the Judgment of the Hon'ble Supreme Court in Civil Appeal No. 14750/1996

3. The learned counsel for the respondents could not show any judgment taking otherwise view. As the controversy raised in this application has already been decided, ^{the} ~~the~~ applicant is entitled for the relief.

4. The application is accordingly allowed. The respondents are directed to ^{treat} ~~take~~ the applicant retired in December 1997 and pay him the arrears of salary and other benefits for which he would have been entitled and to recalculate the pension and ~~retiral~~ benefits accordingly. The amount due to the applicant shall be paid within six months from the date a copy of this order is filed before the appropriate authority.


Member (A.)


Vice Chairman

N-fees.