

CENTRAL ADMINISTRATIVE TRIBUNAL, ALIAHABAD BENCH.

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Registration T.A. No. 1329-87
(W.P.12736 of 1984)

Smt. Champa Devi and another Petitioners/
Applicants.

Versus

Government of India
and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

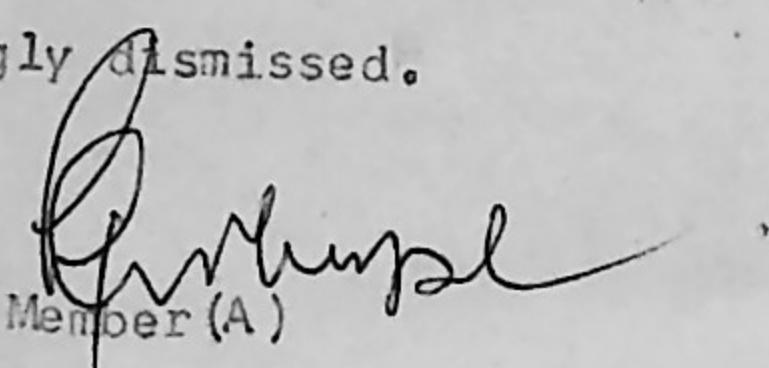
These two applicants who were teachers in Railway Girls and Boys Inter College, Gorakhpur retired from service on attaining the age of superannuation i.e. the age of 58 years in August 31, 1983 and 31st July, 1983. Vide Railway Boards Circular dated 9.5.1984 issued by the respondent no. 1 enhancing the age of retirement of Railway School Teachers and allied categories of staff to 60 years, and the benefit of the same was given to those who have retired after 2nd September, 1983. The applicants approached to the departmental authorities for the benefit of the said circular and after failing to get any relief from the department, they have approached to the Tribunal for the benefit of the said circular challenging the cut-off date. The respondents have opposed the application of the applicants and have stated that as the applicants have already retired from service, they were not entitled to the benefit of the said circular and so far as the cut off date is concerned, the date also incidently occurs after

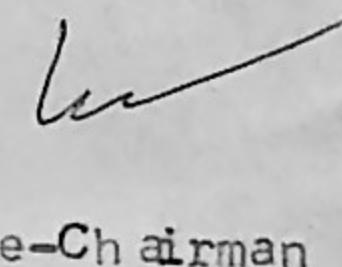
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the date of retirement and it no longer open for the applicant to challenge the said cut-off date and further there was a reasonable nexus in fixing that particular date. The only question that arises is as to whether the cut-off date fixed can be said to be arbitrary or not. In case , there is no reason behind it for a particular date or that there is no reasonable nexus in the objects sought to be achieved that cut-off date would be said to be arbitrary. But in this case, it has been stated that as the decision was taken to retire these employees subsequently, the benefit of the same was extended to the employees who retired on a particular date. The applicants who had retired from service before the cut-off date and received all the benefits, they can not claim the benefit of the said circular. In the case of Reserved Bank Association and others, (1991) 4 SCC page 132 of India Vs Reserve Bank of India Staff Officers in this case 1st January, 1986 was fixed as cut-off date for applicability of the scheme and the necessity to fix/ cut-off date was because of the difficulty to calculate the pension payable to the employee. The court held that the fixation of cut-off date is valid and not arbitrary.

2. In this case, these employees have retired before that date and by that time they had received all their retirement benefits, so there was no question of reopening of the matter. In that case the court ultimately rejected the claim by saying that the court has no doubt that ~~the~~ the C.P.F. retirement is not introduced in the new scheme and they could not make any grievance in this ~~behalf~~ behalf and they have no right to take coverage under

the rule pension scheme since they had already been retired and collected their retiral benefits. Here in this case also, practically ~~the~~ similar situation arises, it can not be said that any classification has been done which is arbitrary or there is no reason behind it. There appears to be no reason behind it in as much as the benefits were extended to those who were in service while in first session was still continuing and it was not extended to those who had already retired and were out of session. As such, we do not find any merit in the case and the application is accordingly dismissed.


Member (A)


Vice-Chairman

Dated: 30.7.1992

(n.u.)