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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No.683 of 1988

H.S. Dubey Applicant

Vs.

Union of India and Ors. Respondents

Connected with

Original Application No. 684 of 1988

H.S. Dubey Applicant

Versus

Union of India and Others Respondents

CORAM:

Hon. Mr. Justice U.C. Srivastava, V.C

Hon. Mr. V.K. Seth, Member(A)

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

The applicant who allegedly was Principal was according to the respondents was a Head master of the Higher Secondary school run by the Ordnance Factory. The applicant has approached this Tribunal praying that the respondents be directed to give the grade of he Head master of Higher secondary school/Intermediate college w.e.f. 10.7.88 and they may also be directed to fix the salary in the grade of Head master higher secondary school/Inter College as he is discharging the duties and functions of a Principal of Higher Secondary school/ Inter college. By way of amendment it was prayed

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that the respondents may be directed to treat the applicant to be in service till 30.6.90 till his attaining the age of 60 years and to give the benefits including pension calculable as if the applicant was in service till 30.6.90. Thus the applicant approached this Tribunal for denial of payment of salary to the grade of Principal of Higher Secondary school and to fix the pay in the grade of Higher secondary school to him. He made repeated representations and after having failed to get the same he approached this Tribunal making a complaint that the decision is violative of Article 14 & 16 of the Constitution of India and in as much as the same has been given to some other applicants and which was denied the applicant. He further claimed that ofcourse members of teaching staff regarding Ordnance factory the age of retirement is 60 years and wrongly he has been retired at the age of 58 years during the pendency of the application the respondents retired him from service.

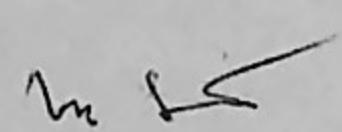
2. The respondents filed a counter affidavit and opposed the claim of the applicant. As far as the age is concerned the Supreme Court in the case of B.P. Singh and Ors Vs. Director General Ordnance Factory and Ors filed before the Supreme Court of India in which the applicant is entitled to the benefit of 60 years. It may be that the applicant was allowed to work as Principal and no regular Principal was appointed. The applicant was not appointed as principal on regular post and he has not worked for years together continuously as principal, merely because extra duties were performed

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by him and he was held the charge of principal for which the applicant can get the extra emoluments if the same is permissible. But regarding extra emoluments or salary for the said period they have taken work from him as Principal they will pay extra emoluments provided no Principal was appointed in the institution and no other person was working in the institute.

3. Accordingly, this application is allowed in part and the relief, so far as the age is concerned the applicant shall be deemed to be retired at the age of 60 years, with the result that incase he has been deprived of any salary, the same shall be granted and will be granted pension and pensionary benefits within a period of three months. With these observations, both these applications stand disposed of finally. No order as to costs.



Member (A)



Vice Chairman

Dated: 13.4.1993

(Uv)