

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Dated: 19.4.95

Original Application No: 1836 of 1994

Bankey Behari Balmiki,
S/O Late Shri Sone Ram,
Aged about 58 years,
R/O 59/46, Birhana Road, Karpur.

.... Applicant.

By Advocate Shri Shirish Chandra

Versus

The Union of India & Ors.

.... Respondents.

By Advocate Shri S.C.Tripathi

* * * *

C O R A M

Hon'ble Mr. S.Das Gupta, Member-A
Hon'ble Mr. T.L.Verma, Member-J

O R D E R

By Hon'ble Mr. S.Das Gupta, Member-A

Heard Shri Shirish Chandra, learned
counsel for the applicant on admission. Shri
S.C.Tripathi appeared on behalf of the respondents.

2. The applicant in this case is working
as a Chargeman Grade II. He has sought relief of
quashing the Factory order part II No. 513 dated
6.3.1993 by which it has been notified that he
among others shall be retiring on attaining the

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age of 58 years. The applicant's case is that since he is a Workman within the meaning of the term under FR 56(B) and CSR 459 (B), his age of retirement should be not 58 years but 60 years.

3. The controversy in this matter already rests settled by the order of Division Bench of this Tribunal in bunch of cases of which the leading case is B.P.Srivastava Vs. Union of India in O.A. No. 492/93. The Division Bench took the view that Chargeman Grade II does not come within the perview of the term Workman as defined in the aforesaid provision of the FR & CSR.

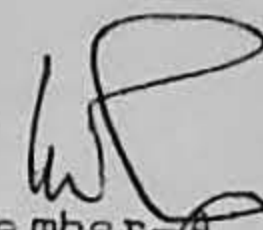
4. The learned counsel for the applicant pointed out that in an earlier matter, another Bench of this Tribunal had allowed the application of a Chargeman Grade II who also sought relief of retirement at the age of 60. A copy of the judgement however, was not made over to us. The learned counsel for the respondents submitted that the said decision has already been appealed against in the Supreme Court and the S.L.P. is pending a decision and the operation of the order has been stayed. Moreover, that decision of the Division Bench was noticed by the subsequent Division Bench while deciding the case of B.P.Srivastava and others. Therefore, decesion in B.P.Srivastava & Ors. is presently subsisting and we see no reason to disagree with ^{the} view, taken by the Division Bench in that case.

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5. In view of the foregoing, the application is dismissed at the admission stage itself. There shall be no order as to costs.


Member-J


Member-A

/jw/