

OPEN COURT

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD

DATED : ALLD. ON THIS 21ST DAY OF SEPTEMBER, 1998

CORAM : HON'BLE SHRI S.DAYAL, MEMBER (A)
HON'BLE SHRI S.L. JAIN, MEMBER (J)

ORIGINAL APPLICATION NO. 273 OF 1994

M.S.Tomar S/o Sh.Mukhtar Singh,
Ex-Teacher(Pry),O.F.P. School,Muradnagar,
Dayanand Colony,Near Railway Quarters,
Muradnagar(Ghaziabad)-201 206.

.....Applicant

C / A :- Applicant in person.

Versus

1. Union of India through Secretary,Ministry
Of Defence Production,Ministry of
Defence, New Delhi.
2. The Chairman, Ordnance Factory Board,
10-a, Auckland Road, Calcutta.

.... Respondents

C / R : Km.S.Srivastava, Advocate

O R D E R

(By Hon'ble Shri S.Dayal, Member (A))

This is an application filed by the applicant under section 19 of the Administrative Tribunals' Act 1985 seeking pensionary benefits on the line of the applicants' in combined judgement of C.A.T.Allahabad in O.As. nos. 807 of 1986,987 of 1988, 715 of 1989, 1080 of 1988, 1116 of 1988 and 1397 of 1988.

1. The facts are that the applicant retired on 31.01.1988 after attaining the age of 58 years and he was working as Primary Teacher in Ordnance Factory Intermediate College, Muradnagar.

2. The judgement in the O.As., referred to above, directed the respondents to give benefit of 60 years' age of superannuation for all the applicants for the purposes of pensionary benefits and retiral benefits only and also to refix the pension giving them advantage of two years.

3. The respondents have filed C.A. in which they have cited an order of Apex Court in Writ Petition(Civil) No.188 of 1987. This judgement was delivered on 09.07.1991 and it has been held that in the Schools and Institutions where the age of retirement was 58 years, no change was required to be made and in an School/Institution where the age of retirement is 60 years, it is brought down to 58 years vide memorandum dated 01.04.1989. The arguments of the applicant in that Writ Petition are that retiring some applicants at the age of 58 years while retiring similarly situated applicants working in other departments of Govt.of India was 60 years, was discriminatory and violative of article 14 and 16 of the Constitution of India. This argument of the applicant was not upheld. The respondents have also cited the authority of the judgement of Jabalpur Bench of Central Administrative Tribunal in O.A.no 287 of 1993 delivered on 07.10.1993 in which the benefit of age of 60 years to a teacher employee by Defence Department was held not to be admissible. Similarly in O.A.No.293 of 1987 and 488 of 1987 , decided by Calcutta Bench of Central Administrative Tribunal on 27.01.1994 , the benefit of 60 years in case of teachers working in Schools run by Ordnance Factory was held to be inadmissible.

4. In the light of the authorities cited by the learned counsel for the respondent, we are of the opinion that the applicant has not been able to make out his case for getting the benefits of superannuation at the age of 60 years. The application, therefore, lacks merits and is dismissed. No order as to costs.

J.S.D.
MEMBER(J)

J.S.D.
MEMBER (A)