

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

* * *

Allahabad: Dated 22nd September, 1998

Original Application No. 286 of 1994

District : Ghaziabad

CORAM :

Hon'ble Mr. S. Dayal, A.M.
Hon'ble Mr. S.L. Jain, J.M.

Madhuri Tripathi
W/o Late Shri B.C. Tripathi,
6/o Sri M. Tripathi, Behind Police Station
Opp. Happy Child School, New Defence
Colony, Muradnagar, Distt. Ghaziabad.

(Applicant in person)

..... Applicant

Versus

1. Union of India through Secretary,
Ministry of Defence, New Delhi.

2. The Chairman, Ordnance Factory Board,
10-A, Auckland Road, Calcutta.

(Km. Sadhna Srivastava, Advocate)

..... Respondents

O R D E R (O_r_a 1)

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

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

2. The facts are that the applicant retired on 17-1-1991 after attaining the age of 58 years and she was working as Vice Principal in Ordnance Factory Inter College, Muradnagar.

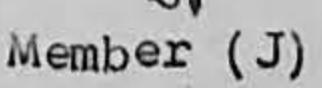
3. That the judgement in the OAs, referred to above, directed the respondents to give benefit of 60 years' age of superannuation for all the applicants

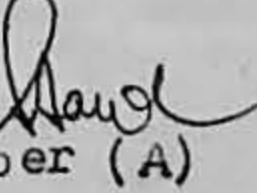
for the purposes of pensionary benefits and retiral benefits only and also to refix the pension giving them advantage of two years.

4. The respondents have filed CA in which they have cited an order of Apex Court in writ petition(Civil) No. 188 of 1987. The 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 OA No. 287 of 1993 delivered on 07-10-1993 in which the benefit of age of 60 years to a teacher employed by Defence Department was held not to be admissible. Similarly in OA No. 293 of 1987 and 498 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.

5. In the light of the authorities cited by the learned counsel for the respondents, 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.

Dube/

 Member (J)

 Member (A)