

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 8th day of May, 2001

C O R A M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.  
Hon'ble Maj. Gen. K.K. Srivastava, A.M.

Original Application No. 16 of 1995

C.L. Ravidas S/o Late Sekhar Ram

R/o 16, Barasirohi. P.O- IIT, Distt. Kanpur- 16

.....Applicant

Counsel for the applicant :- Sri C.B. Singh

V E R S U S

1. Union of India through the Secretary, Ordnance  
Factory Board, M/o Defence. Department of  
Production, 10 Auckland Road, Calcutta.
2. The General Manager, Ordnance Factory (M/o Defence)  
Dehradun.
3. The Desk Officer, Public Grievance Cell ( Pension  
and Family Welfare), M/o Home, Nirvachan Sadan,  
New Delhi.

.....Respondents

Counsel for the respondents :- Sri Amit Sthalekar

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this O.A applicant has prayed for a direction  
to the respondents that in view of the judgement of this  
Tribunal dt. 20.12.91 passed in O.A No. 807/86, the  
applicant be granted pensionary and other benefits for  
service up to age of 60 years.

The facts giving rise to this application are that the applicant was appointed as teacher on probation on 15.03.58 in Ordnance Factory, Dehradun. He continued to serve on the post. The date of birth of the applicant is 13.01.32. The age of superannuation when applicant joined the service was 58 years. He was intimated by letter dt. 22.02.89 that he will be retired from service on 31.01.90. However, this order was cancelled by subsequent letter dt. 07.08.89. It was stated therein that applicant's date of retirement shall be 31.01.92. (A copy of the order has been filed as annexure- 6 to the O.A). Subsequently, by order dt. 23.07.91, the order dt. 07.08.89 was cancelled. As the applicant had already attained the age of superannuation, he was retired from the service. This order was passed in view of the judgement in writ petition No. 118/87, B.P. Singh and orthers Vs. U.O.I & Ors. Hon'ble Supreme Court while dismissing the writ petition held that since the age of retirement of teachers has been fixed uniformly at 58 years no case of discrimination is made. The observation of Hon'ble Supreme Court in the judgement is being reproduce below :-

" The Government has reviewed the entire question denovo and it has now been decided that the age of retirement on superannuation of all teachers working in the Central Government Departments and Organisations including Union Territories may be uniformly fixed at 58 years whether they are in the Ministry of Education, Ministry of Railways, Ministry of Defence or any other Ministry/Department or in Delhi Administration. Consequently in schools/institutions where the age of retirement on superannuation for teachers is presently fixed at 58 years. However, in record to school/institutions where the age of retirement on superannuation for teachers is presently fixed at 60 years, the same shall be lowered to 58 years w.e.f 1st April, 1989 with the exception that the teachers who had joined

such schools/ institutions prior to this date, shall continue to enjoy the existing benefit and superannuated on attaining the age of 60 years. Further in respect of such schools/ institutions, no new appointment, either on regular or ad-hoc basis, shall be made between the date of this office memorandum and 01.04.89. "

2. From the perusal of the aforesaid judgement, this Tribunal passed the order which has been relied on by the applicant. From the perusal of the order of Hon'ble Supreme Court, it is clear that uniformly <sup>in</sup> the age of superannuation was to be given effect from 01.04.89 with the exception that the teachers who had joined such schools/ institutions prior to this date, shall continue to enjoy the existing benefit and date of superannuation on attaining the age of 60 years. This <sup>in exception</sup> explanation was only with regard to them, whose age of superannuation <sup>was per previous conditions</sup> ~~from the date of 50000 retirement~~ of service, was 60 years. In the present case, there is no dispute that <sup>in case of applicant</sup> the age of superannuation was 58 years. The applicant claimed for advantage of the order passed on 16.02.91 (annxure-2) by which respondents have stated that his date of retirement shall be 31.01.92. This order was issued by the respondents in view of the interim order passed by Hon'ble Supreme Court and not on account that there was any change in the rules regarding the age of superannuation. The applicant, in pursuance of the order dt. 16.02.91, continued to service until the impugned order dt. 31.07.91 was passed. For the work he has done, he has been paid salary but he can not claim any change in the pension as age of retirement in case of the applicant continued to be 58 years. Thus we do not find any justification in the claim of the applicant. The O.A is accordingly dismissed.

3. There will be no order as to costs.

Member- A.

Vice-Chairman.

/Anand/