

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 7th day of May 2002.

QUORUM : HON. MR. C. S. CHADHA, A.M.

HON. MR. A.K. BHATNAGAR, J.M.

O.A. No. 198 of 1999.

Dr. S.S. Bhatia, Project Co-ordinator, AICRP in PIGS, Indian Veterinary Research Institute, Izatnagar (UP) - 243 122.

..... Applicant.

Counsel for applicant : Sri A.K. Srivastava.

Versus

1. The Director, Indian Veterinary Research Institute, Izatnagar.
2. The Director General, Indian Council of Agricultural Research, Krishi Bhawan, New Delhi.
3. Union of India through the Secretary to the Govt., Ministry of Agriculture, Krishi Bhawan, New Delhi.
4. The Secretary to the Govt. of India, Department of Education, Ministry of Human Resources Development, Shastri Bhawan, New Delhi.....

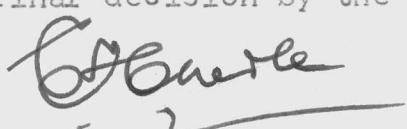
..... Respondents.

Counsel for respondents : Sri B.B. Sirohi.

O R D E R (ORAL)

BY HON. MR. C. S. CHADHA, A.M.

The applicant was working as a Senior Principal Scientist in the department of Indian Veterinary Research Institute, Izatnagar, UP when he was served with the impugned notice of retirement dated 11.3.97. Counsel for the applicant has said that since he is a scientist, his retirement age should be 62 and not 60. However, we were informed by the counsel for respondents that no decision has been taken in this regard raising the age of such Principal Scientists from 60 to 62 after the implementation of the Pay Commission Report w.e.f. 1.1.1996. In fact, their case has been recommended for a final decision by the cabinet long back



but no such decision has been taken. Counsel for respondents has also cited the ruling of the Principal Bench in O.A. No. 2560/98 and OA No. 166/99 in which the Principal Bench merely stated that the applicant can only request the cabinet to take an early decision in the matter. Until and unless a clear stipulation is made by the Govt. of India that the class of servants to which the applicant belongs should supernuante, at the age of 62, the rules applicable in March 97 to ~~this~~ ^{his} category have to be followed. Merely because a request has been made, even if highly justified, it cannot be enforced unless a decision is taken by the Govt. of India.

2. In view of the above, we find nothing irregular with the impugned order dated 11.3.97. Therefore, the O.A. has no merit and is rejected. However, interest of justice would be served if at least for future cases, the Govt. of India takes an early decision in the matter so that such litigation is avoided.

No order as to costs.



J.M.

Asthana/
7.5.02



A.M.