

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 225 OF 1999

ALLAHABAD THIS THE 01ST MARCH 2005

HON'BLE MR. JUSTICE S.R.SINGH, VICE-CHAIRMAN
HON'BLE MR. S. C. CHAUBE, MEMBER (A)

R.N. Suman aged about 60 years,
Son of Late Shri J.Ram R/o village-Fatooha,
P.O. Hanumanganj,
District-Allahabad.

.....Applicant

(By Advocate : Shri Rakesh Verma)

V E R S U S

1. Union of India through the Director General,
Quality Assurance (Department of Defence Production),
Ministry of Defence,
DGQA (Adm.-6-B),
Govt. of India, DHQ P.O.,
New Delhi.
2. The Controller, Controllerate of Quality Assurance
(Materials),
Post Box No.229, Kanpur-208004.
3. The Secretary, Ministry of Personnel and Training,
(Department of Personnel and Training and Public
Grievances), New Delhi.

.....Respondents

(By Advocate : Shri Amit Sthalaker)

O R D E R

By Hon'ble Mr. Justice S.R. Singh, Vice-Chairman

The applicant retired as Senior Administrative
Officer -II (Gazetted) on attaining the age of 58
years with effect from after noon of 31.01.1996. He
was admittedly employed in the office of the Director,

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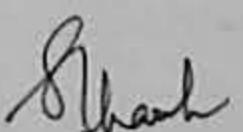
Quality Assurance (Store). He preferred a representation dated 24.07.1998 addressed to the Secretary Ministry of Defence staking his claim for retirement at the age of 60 years instead of 58 years. The said representation has been rejected by impugned order dated 21.09.1998 on the ground that Government orders regarding extension of service by two years came to be issued in May 1998 whereas the applicant had already retired from service w.e.f. 31.01.1996 hence the benefit of the extended age of retirement cannot be given to the applicant. In our view no exception can be taken to the order impugned herein.

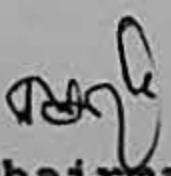
2. Govt. of India, Ministry of Personnel Public grievances and Pension Department of Personnel and Training vide office memo No.25012/2/97-Estt(A) New Delhi dated 13.05.1998 accepted the recommendation made by the Vth Central Pay Commission in paragraph 128.16 and 128.17 relating to age of retirement for Central Government employees. The said memo visualizes that every Govt. Servant whose age of retirement was currently 58 years would retire from service on the afternoon of the last day of the month in which he/she would attain the age of 60 years. However, Govt. Servant whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty years.

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3. The office memorandum aforesaid makes it abundantly clear that these orders will come into force with immediate effect from the date of notification of amendment to the relevant rules and regulations and will be applicable to all Central Government employees except those 'who have already retired in accordance with the earlier rules'. The fundamental (Amendment) Rules, 1998 were notified by means of the notification of even date a copy of which has been annexed as Annexure-1 to the Counter Affidavit, visualizing that Govt. servant shall retire from service from the afternoon of the last day of the month in which he attains the age of sixty years; provided that Govt. servant whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty years. The benefit of fundamental (Amendment) Rules 1998 is not applicable to those who had already retired in view of the stipulation contained in office memorandum dated 13.05.1998. In the circumstances, we find no merit in the case.

4. Accordingly, the Original Application fails and is dismissed. However, we make no order as to costs.


Member (A)


Vice-Chairman

Shukla/-