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O.A. 247/96

(7)

OFFICES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

O.A.NO.247 of 1996

Order dated

11/02/2003

In this Original Application filed by the applicant, Sk.Allaudin, a Group C employee, Driver Grade I, working at Heavy Water Plant, Talcher, Department of Atomic Energy, has prayed for getting the benefit of the age of superannuation at 60 years.

2. The question of applicability of FR 56(b) to employees similarly placed as the applicant has already been decided in a number of cases by this Tribunal. In this connection, we would refer to the judgment of the Ahmedabad Bench of the Tribunal in O.A.No.416 of 1995, decided on 19.9.1997 (Mathurbhai Melabhai Solanki v. Union of India), in which the Tribunal held, following the ratio of the decision of the Hon'ble Apex Court in the case of State of Orissa and others v. Adwait Charan Mohanty and others, (1995) 29 ATC 365, that a Government employee in Class III (now called Group C) service would retire on completion of 58 years of age, which would also include an artisan-workman who has been promoted/appointed to Group C post. The Ahmedabad Bench of this Tribunal, therefore, dismissed the said O.A.No.416 of 1995 holding that the applicant Mathurbhai M.Solanki, Driver Grade II, Heavy Water Plant, Baroda, would retire on attaining the age of 58 years and that being a Class III employee, he would not be entitled to the benefit of the proviso to Clause (b) of FR 56. Following this judgment of Ahmedabad Bench, we have disposed of another O.A. No.414 of 1996 filed

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by another Driver Grade I of Heavy Water Plant, Talcher, namely, Shri Joginder Singh. In the aforesaid premises, this O.A. is rejected, being devoid of merit. No costs.

[Signature]
(M.R. MOHANTY)

11/02/03
MEMBER (JUDL.)

[Signature]
(B.N. SOM)

VICE-CHAIRMAN