

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Dr. 28.11.02

for Hearing.

12/12
Bench

Dr. Dr. 11.2.03

copy of order
handed over to
counsel for both
sides.

DR
S. 13/2/03

Order dated 11th February 2003

The applicant, Niranjan Choudhury has filed this Original Application assailing the order at Annexure 2 by which he has been asked to retire from Government service on attaining the age of superannuation, i.e., 58 years of age. The applicant was a Skilled Worker Grade II in Small Industries Service Institute (S.I.S.I.) Workshop, Madhupatna, Cuttack and he claimed that he being a workman, he was entitled to the benefit of provisions of FR 56(b) and therefore, should retire on superannuation only after attaining the age of 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, I would refer to the judgment of Ahmedabad Bench of the Tribunal in OA No. 416 of 1995, decided on 19.9.1997 (Mathurbhai Melabhai Solanki v. Union of India) in which the Tribunal, 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, held 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. Moranki, 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, / has disposed of another OA No. 321 of 1996 (Bhabani Shankar Pattnaik v. Union of India and others) filed by another Skilled Worker Grade II of S.I.S.I. Workshop, Madhupatna, Cuttack. In the aforesaid premises, this O.A. is rejected, being devoid of merit. No costs.


(B.N. SOM)
VICE-CHAIRMAN