

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 70/89.

DATED MONDAY THE TWENTYSEVENTH DAY OF FEBRUARY
ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

PRESENT

HON'BLE SHRI S. P. MUKERJI, VICE CHAIRMAN

&

HON'BLE SHRI G. SREEDHARAN NAIR, JUDICIAL MEMBER

G. Ramakrishna Pillai

Applicant

Vs.

1. Union of India represented by the
General Manager, Southern Railway,
Madras
2. The General Manager, Southern Railway,
Madras
3. The Divisional Personnel Officer,
Divisional Office (Personnel Branch)
Southern Railway, Trivandrum and
4. The Permanent Way Inspector
(Open Line), Southern Railway,
Kottayam

Respondents

M/s. Asok M. Cheriyan &
C. A. Joy

Counsel for the
applicant

ORDER

Hon'ble Shri G. Sreedharan Nair

Heard counsel for the applicant.

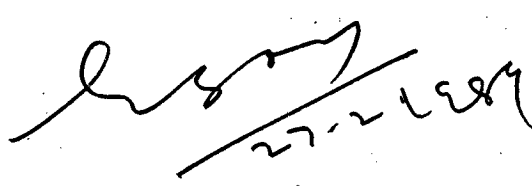
2. The relief that is claimed in this application
by the applicant, a Senior Gangman attached to the Southern
Railway is for a declaration that he is entitled to continue
in service till the last days of the month when he attains
the age of sixty years. In support of the plea, reference

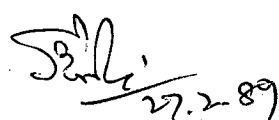
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is made to Fundamental Rule 56 applicable to the Government servant and it is pointed out that an unskilled artisan employed on a monthly rate of pay in an Industrial Establishment is enabled to continue till he attains the age of sixty years.

3. We are not satisfied that any ground has been made out by the applicant for admission of the application. Merely because there is a provision in the Fundamental *Rules* ~~Rights~~ enabling a Workman governed by such rules to continue in service upto the age of sixty years, the applicant a Railway servant who is governed by Rule 2046 of the Indian Railway Establishment Code cannot claim the benefit. It is specifically provided in clause (a) of the Rule that except otherwise provided therein every *Railway* servant shall retire on the day he attains the age of 58 years.

4. We reject the application.


(G. Sreedharan Nair)
Judicial Member
27.2.1989


(S. P. Mukerji)
Vice Chairman
27.2.1989

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