

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.151/94

Monday, this the 3rd day of October, 1994

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. KC Narayanan Nair,  
S/o Raman Nair,  
Driver, Small Industries  
Service Institute,  
Extension Centre,  
Kallai, Kozhikode-3.
2. CV Balakrishnan Nair,  
S/o MV Kuttappan Nair,  
Driver, Small Industries  
Service Institute,  
Extension Centre,  
Kallai, Kozhikode-3. - Applicants

By Advocate M/s Thanpan Thomas & Associates

Vs.

1. Union of India represented by  
Secretary to Government,  
Department of Industries,  
Government of India,  
New Delhi.
2. Development Commissioner,  
Small Scale Industry,  
Ministry of Industry,  
Nirmal Bhavan, New Delhi.
3. The Director,  
Small Industries Service  
Institute, Ministry of Industry,  
Kanjani Road,  
Ayyanthole, Trichur.
4. The Assistant Director,  
Small Industries Service  
Institute, Extension Centre,  
Government of India,  
Kozhikode-670 003. - Respondents

By Advocate Mr Kodoth Sreedharan, ACGSC

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

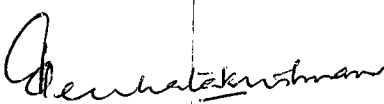
Applicants, who are Drivers in the 'Small Industries Service Institute', Kozhikode seek a declaration that they are governed by the provisions of FR-56(b) and that they are eligible to remain in service till the age of sixty. This Tribunal has taken the view in O.A.770/89, O.A.544/91 and O.A.1427/92 that the employer is an industry, and that employees are skilled workmen. In Prithpal Singh Vs. Union of India, (1993) 23 ATC, 839 the Delhi Bench of this Tribunal has also taken the view, following a Supreme Court judgement in C.A.4689/90 that:

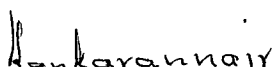
"Driver of a staff car is undoubtedly a skilled or semi-skilled person."

2. Following the decisions of this Tribunal which are binding on us, we hold that applicants are governed by FR-56(b) and that they are eligible to be retained in service till the age of sixty.

3. Application is allowed as above. No costs.

Dated, third October, 1994.

  
PV VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

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