

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 301/97

Thursday, this the 27th day of February, 1997.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

S John Koilparambil
Chief Conservator of Forests
(Social Forestry),
Rajeev Gandhi Nagar,
Thiruvananthapuram-695 013,
Kerala State.

- Applicant

By Advocate Mr B Raman Pillai

Vs

1. The Union of India represented by
the Secretary,
Department of Personnel and Training,
Ministry of Personnel, Public
Grievances and Pension,
Central Secretariat, North Block,
New Delhi-1.

2. The State of Kerala represented
by the Chief Secretary,
Secretariat,
Thiruvananthapuram,
Kerala State.

- Respondents

By Advocate Mr TPM Ibrahim Khan, SCGSC(for R-1)

The application having been heard on 27.2.97 the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

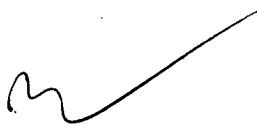
Shri John Koilparambil, a senior member of the Indian
Forest Service, Kerala cadre, has in this application prayed
that it may be declared that he is entitled to continue in

..2...

service as Chief Conservator of Forests, Kerala State or any other equivalent category of posts till he attains the age of 60 years in consonance with the recommendations of the Vth Central Pay Commission and to direct the first respondent to take up for consideration the representation made by him, and to pass appropriate orders.

2. Going by the date of birth of the applicant and the provisions contained in Fundamental Rules 56, the applicant is to retire on superannuation on 28.2.97. The Vth Central Pay Commission has submitted its report on 30.1.97 inter-alia recommending the enhancement of the retirement age of the Central Government employees to 60 years, instead of the existing age of superannuation, namely, 58 years. The applicant has averred that the Vth Central Pay Commission had taken more time than it was expected to for coming out with the report, and the Government is likely to take some more time to finalise the issue. In that process, the chances of the applicant to continue till the age of 60 as recommended by the Vth Central Pay Commission would be jeopardised. It is under these circumstances that the applicant has prayed for the relief as aforesaid. The representation in this regard was made by the applicant on 19.2.97 and this application has been filed on 24.2.97.

..3...



3. We have heard the learned counsel for the applicant and the Senior Central Government Standing Counsel for respondent-1 and have perused the application. On a scrutiny of the application and the connected papers, we do not find anything in this case which requires any further deliberation. If the purpose of the applicant in making a representation was that it should be considered by the competent authority and a decision taken, he should have given a breathing time to the authorities concerned ~~and~~ for taking a decision. That has not been done. So it appears that the representation has been made only to make out that there is a cause of action. The declaration sought is against the statutory provision. Obviously such a claim cannot be considered. The directions sought is for consideration of a representation for allowing the applicant to continue upto the age of 60 years. This is not an individual grievance of the applicant for him to make a representation. It is true that the Vth Central Pay Commission has made among its recommendation, a suggestion that the retirement age of the Central Government officers should be made 60 years. The Government on consideration of the various aspects, may take a decision either to accept this recommendation or not to. Therefore merely because a recommendation has been made by the Vth Central Pay Commission, the applicant cannot seek that it should be accepted and acted upon. However, as the case

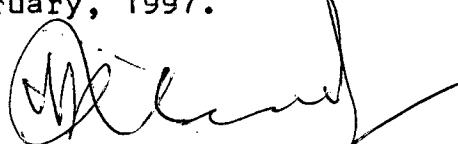
of the applicant for continuance upto the age of 60 years cannot be considered in isolation, but should abide by the decision taken in regard to the services on an all India basis there is no occasion for him to make a separate representation in that regard. The respondents also cannot consider his representation in isolation and take a decision. Therefore we are of the view that no direction to the respondents to consider the representation can also be made.

4. In the light of what is stated above, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

Dated, the 27th February, 1997.


PV VENKATA KRISHNAN

ADMINISTRATIVE MEMBER


AV HARIDASAN
VICE CHAIRMAN

trs/272