

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

Original Application No.106/91

Gopalji

Applicant

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon. Mr. Justice U.C. Srivastava, V.C.

The applicant who joined the services of Northern Railway School at Hardoi as Assistant Teacher in the year 1959, on attaining the age of 58 years, was retired on 31.1.1984, ~~but~~ the Railway Board vide its circular dated 6.9.83, enhanced the age of retirement of Teachers of Railways to 60 years w.e.f. 2.9.83. He was taken back on 14.12.84 in service and he performed his duties upto 13.5.85.

2. The applicant has prayed that a declaration or direction be given to the respondents to calculate, assess and pay the salary to him for the period 1.2.84 to 15.12.84 and from 9.5.85 to 26.8.85 and arrears of revised pay scale of Rs 1200-2040 w.e.f. 1.1.86 to 31.1.86 and pension, gratuity, bonus and leave encashment according to the revised pay scale alongwith 12 % interest on the amount.

3. The facts make it clear that the applicant retired on attaining the age of 58 years on 31.1.84. He was re-engaged as per instructions of Railway Board to retire a Teacher of Railway at the age of 60 years and as per Railway Board's letter dated 9.5. 1984 the period from

1.2.1984 to 14.12.1984 was treated as dies non, as no leave was due to his credit. The applicant who retired on 14.5.85, applied for leave from 21.5.85 to 31.5.85 and he was sanctioned leave without pay.

The applicant <sup>he</sup> applied for premature retirement on account of his ill health but the prayer was rejected and he was advised to join at Jodhpur Division and ~~where he~~ joined ~~at Jodhpur Division~~ on 28.8.85. His absence from duty was treated as leave without pay. He was allowed three stagnation increments but the same was cancelled as the period between 1.2.84 to 14.12.84 was treated as dies non and the period has been regularised and the benefit of two years' service has been given to him him from 15.12.84 to 31.12.86, with the result that the applicant has not suffered any monetary loss.

4. The applicant has <sup>not</sup> suffered any monetary loss, although he was retired earlier but was re-engaged and vide Railway Board letter, the period between 1.2.84 to 15.12.84 was treated as dies non and the period between 9.5.85 to 27.8.85 was treated as leave without pay <sup>which order Subsidiary</sup> and thus the applicant has not suffered any monetary loss <sup>and such his claim is not sustainable</sup>.

5. The application has no force and accordingly it is dismissed. No order as to costs.

Lucknow: Dated 2.4.93.

  
Vice Chairman.

Shakeel/-