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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

~~XXXXX~~ No. CAT/BOM/Stamp No. 596/1987
~~XXXXXXX~~ CAT/BOM/O.A. No. 610/87.

DATE OF DECISION 25-9-1987

Ishwar Chandra Gupta Petitioner

Applicant in person Advocate for the Petitioner(s)

Versus

Union of India and another Respondent

Mr. M. I. Sethna Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. J.G. Rajadhyaksha, Member (A)

The Hon'ble Mr. M.B. Mujumdar, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

CAT/BOM/Stamp No.596/87.

CAT/BOM/IO.A.610/87.

Ishwar Chandra Gupta,
Translation Section,
Bhabha Atomic Research Centre,
Central Complex, Trombay,
BOMBAY - 400 085.

... Applicant

V/s

1. Union of India
through
The Secretary,
Department of Atomic Energy,
Anushakti Bhavan, CSM Marg,
Bombay - 400 039.
2. The Director,
Bhabha Atomic Research Centre,
Central Complex, Trombay,
Bombay - 400 085.



... Respondents.

Coram: Hon'ble Member(A) J.G. Rajadhyaksha
Hon'ble Member(J) M.B. Mujumdar

Appearances:

1. Applicant in person.
2. Mr. M.I. Sethna
for the Respondents.

ORAL JUDGMENT:

Date: 25-9-1987.

(Per M.B. Mujumdar, Member(J))

In this application the applicant has challenged the order dtd. 12-12-1985 by which he is informed that he retired on superannuation on 31-10-1987 on completion of 58 years of age.

2. The applicant joined his services with the respondents as a Translator in 1961. The staff with the respondents is divided into two categories: (i) Scientific and Technical; and (ii) Administrative and Auxiliary. The staff under category(i) normally retires on completion of 60 years of age while the staff under the second category normally retires after completing 58 years of age. It is the case of the applicant that though he is working as a Translator, in fact, he falls under the Scientific category and hence he cannot be asked to retire before completing 60 years of age. Therefore, in this application he has prayed for a declaration that the post of Translator falls under the category

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of 'Scientific Staff' and the age of retirement for that post is 60 years. He has also asked for an interim relief for staying the operation of the impugned order dt. 12-12-1985 by which he is to retire on superannuation by the end of October, 1987. His contention was that he was issued with a Red Identity Badge which is issued only to Scientific and Technical Personnel.

3. We may point out that against the order dtd. 12-12-1985 the applicant had made representations. But as he did not receive any reply he made another representation on 6th August, 1986 to the Secretary of the Department of Atomic Energy. To that he received a reply on 23-6-1987 informing him that the post of 'Translator' is an Auxiliary post and not a Scientific one and hence his representation was rejected by the Secretary. The same reply shows that the applicant was asked to appear for an interview before the duly constituted selection committee in October, 1985 in order to consider his suitability for a Scientific Post. We are told by Mr. M.I. Sethna, Advocate for the respondents, that Translators who were graduates were in proper cases, promoted to Scientific posts. It is not clear how the applicant was called for an interview in October, 1985 though he was not a graduate. But that is not material in this case because the applicant admitted that he did not appear before the selection committee for the interview, for his own reasons.

4. It is for the respondents to divide the staff into different categories. The age limit of retirement of 60 years for Scientific and Technical staff cannot be said to be arbitrary in any manner. The applicant tried to justify his claim by pointing out that one Mrs. Rege who was working as a Selection Grade Clerk was allowed to work upto 60 years of age. But it is clear from what was stated before us and from the record that she was promoted to a Scientific post in 1981 by a duly constituted selection committee. As already pointed out the applicant was called before the selection committee but for his own reasons he did not appear before the selection committee. We asked the applicant to inform us of even one instance in which a person holding the post of translator ^{is} was to continue after completing 58 years of age. He was unable

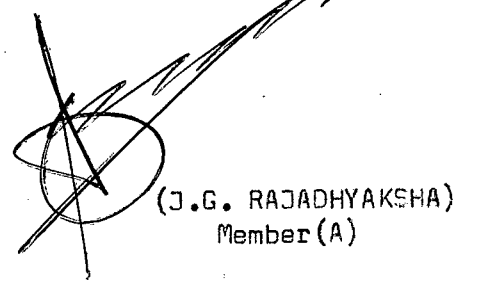
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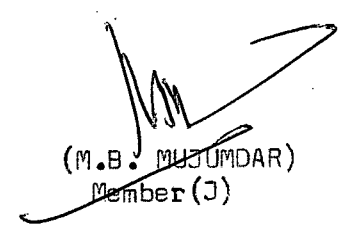
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to give any such instance. Granting of Red Identity Badge will not make his post a Scientific and Technical one when in fact it is not one of that category.

5. We, therefore, find that this application does not deserve to be admitted. We, therefore, reject it summarily under Section 19(3) of the Administrative Tribunals Act, 1985.



(J.G. RAJADHYAKSHA)
Member (A)



(M.B. MUJUMDAR)
Member (J)