

(11)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 455/89.

Shri M.S.Sahasrabudhe,
1147, Sadashiv Peth,
Peru Gate,
Pune - 411 030.

... Applicant.

V/s.

1. Administrative Officer,
Central Armoured Fighting Vehicle Depot,
Kirkee,
Pune - 411 003.
2. Accountant,
Central Defence Accounts,
7/3 Densey Road,
Dehu Road,
Pune - 412 101.
- 3: The Union of India
through the Ministry of Defence. ... Respondents.

Coram: Hon'ble Vice-Chairman, Shri U.C.Srivastava,
Hon'ble Member(A), Shri P.S.Chaudhuri.

Appearances:-

Shri Babu Marlapalle for the
applicant.
Shri A.I.Bhatkar holding the
brief of Shri M.I.Sethna for
the respondents.

JUDGMENT:-

(Per Shri P.S.Chaudhuri, Member(A)) Dated: 13-9-1991

This application under section 19 of the Administrative Tribunals Act, 1985 was filed on 4.7.1989. In it the applicant who was working as Canteen Supervisor under the first respondent is seeking a direction that his age of superannuation is 60 years.

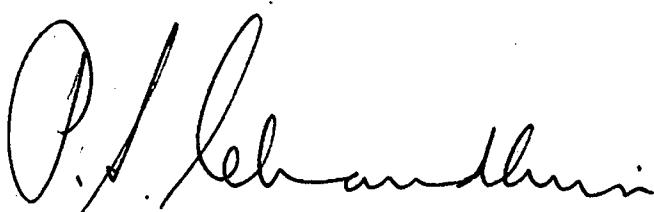
2. The applicant has based his case on 2 submissions. The first is that Rule 11 of the Departmental Canteen Employees (Recruitment and Conditions of Service) Rules, 1980 stipulate that every member of the service shall retire on the afternoon of the last date of the month in which he attains the age of 60 years. 'Service' has been defined in these rules as meaning "employment in a departmental canteen under the Managing Committee". The respondents contend that the applicant is not governed by the above mentioned rules because the posts in the 'service' have been detailed in Schedule 'A' to the said

rules and in this Schedule there is no post of Supervisor. It is their submission that such a post has been provided in the Defence Factory Canteens Employees Recruitment Rules, 1985 which are, in fact, the Rules by which the applicant is governed. They further submit that in these Recruitment Rules posts of Supervisor have been classified as "General Central Service Group 'C', Non-Ministerial, Non-industrial" and that so the retiring age for the incumbents of these posts is governed by F.R. 56(a) which stipulates the retiring age of 58 years except as otherwise provided for. The exceptions to this rule are in respect of Workmen and Class IV (Group 'D') Government Servants and so the applicant is not covered by these exceptions as he is neither a Workman nor a Group 'D' employee. We see considerable merit in these submissions of the respondents.

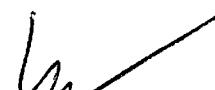
3. The applicant's second contention is that one Shri B.M. More who was working as a Cook was retired only when he had reached the age of 60 years. The respondents contend that the said Shri More was a Group 'D' employee and hence was correctly retired at the age of 60 years. We see considerable merit in this submission also.

4. In this view of the matter we are of the opinion that there is no merit in the application and it deserves to be dismissed.

5. The application is accordingly dismissed. In the circumstances of the case, there will be no order as to costs.



(P.S.CHAUDHURI)
MEMBER(A)



(U.C. SRIVASTAVA)
VICE-CHAIRMAN.

13-9-1991