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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 672/92

Transfer Application No.

Date of Decision 11.3.97

Shri A.S.Chaudhary

Petitioner/s

Shri S.P. Saxena

Advocate for
the Petitioners

Versus

Union of India and others.

Respondent/s

Shri R.R.Shetty for Shri R.K.Shetty Advocate for
the Respondents

CORAM :

Hon'ble Shri. B.S. Hegde, Member (J)

Hon'ble Shri. P.P. Srivastava, Member (A)

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal ?


(B.S. Hegde)
Member (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD BOMBAY:1

Original Application No. 672/92

Tuesday the 11th May of March 1997.

CORAM: Hon'ble Shri B.S. Hegde, Member (J)
Hon'ble Shri P.P. Srivastava, Member (A)

A.S. Chaudhary
Scientist 'C'
College of Military Engineering
Dapodi, Pune.
residing at T/112 B,C.M.E. Campus
Dapodi Pune. ... Applicant.

By Advocate Shri S.P. Saxena

V/s.

Union of India, through
The Secretary, Ministry of Defence,
South Block, New Delhi.

The Scientific Advisor to the
Ministry of Defence,
South Block, New Delhi.

The Commandant,
College of Military
Engineering, Dapodi,
Pune.

... Respondents.

By Advocate Shri R.R. Shetty for Shri R.K. Shetty.

O R D E R (ORAL)
¶ Per Shri B.S. Hegde, Member (J) ¶

The Tribunal vide its order dated
23.9.92, after hearing both the parties passed the
following order:

"In view of the fact that the controversy
raised in this application is getting
attention of the Supreme Court and in
two cases the Supreme Court has granted
a stay order, we do not consider it a fit
case for directing the respondents to
allow the applicant to continue even after
attaining the age of 58 years."

However, we make it clear that in the event
of the success of this application, the
applicant will be entitled to arrears of

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salary etc. on the footing that he had a right to continue till he attained the age of 60 years."

2. During the course of hearing the learned counsel for the respondents has furnished copy of the Supreme Court order in Civil Appeal No. 4488/90 (SLP No. 6509/90) decided on 20.11.96 in the case of Union of India and Anr. v/s. O.P. Gupta, wherein the Supreme Court has upheld the decision of the Tribunal. Since the applicant is similarly placed, we direct the respondents to make payment of arrears of salary and all consequential benefits to the applicant on the footing that he had a right to continue till he attained the age of 60 years, within a period of four months from the date of receipt of this order.


(P.P. Srivastava)
Member (A)


(B.S. Hegde)
Member (J)

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