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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 163/1995

Dated this THURSDAY, the 12th Day of April, 2001.

Shri D.L.Bhintade Applicant

(Applicant by None)

Versus

UOI & Ors. Respondents

(Respondents by Shri R.R.Shetty for Shri R.K.Shetty, Advocate)

CORAM

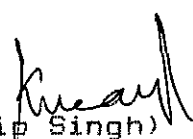
HON'BLE SHRI KULDIP SINGH, MEMBER (J)

HON'BLE SMT. SHANTA SHASTRY, MEMBER (A)

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to other Benches of the Tribunal?

(3) Library.


(Kuldip Singh)
Member (J)

sj*

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 163/95

THURSDAY the 12th day of APRIL, 2001

CORAM: Hon'ble Shri Kuldip Singh, Member (J)

Hon'ble Ms. Shanta Shastry, Member(A)

D.L. Bhintade
R/o Srinath Niwas
Azad Nagar, P.O.
S.R.P.F., Poona.

...Applicant.

V/s

1. Union of India through
Secretary, The Ministry
of Defence, DHQ P.O.
New Delhi.
2. Director General
Directorate General of EME
EME - CIV. - L
Master General of Ordnance
Branch, Army Headquarters,
DHQ P.O. , New Delhi.
3. The commandant
512, Army Base Workshop,
Poona.

...Respondents.

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

ORDER (ORAL)

{Per Shri Kudlip Singh, Member(J)}

The Applicant in this case was superannuated by the Respondents vide Order dated 7th September, 1993(Exh.A.I) effective from 31.12.1994. The Applicant claims that since he is working as Workman/Tradesman and in accordance with the provisions of C.S.R. 459(b) and F.R. 56 (b) his retirement age should be 60 years and not 58 years hence the impugned order by which he was retired at the age of 58 years be quashed and set aside and he will be made to retire only at the age of 60 years.

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The Applicant has also made a reference to an earlier Order passed by the Principal Bench in OA No. 1709 and OA No. 2208/90 in which the Applicants in those OAs were permitted to retire on attaining the age of 60 years.

2. The present OA is being contested by the Respondents in their written reply by taking the plea that the Applicant had been working as Senior Chargeman which is a Group C post and not a Group D post and in accordance with F.R. 56(b) the post being a non industrial Cadre ^{is} age of superannuation is 58 years. The Respondents also contest the claim of the Applicant being a workman and state that he was holding a supervisory post and hence the OA is liable to be dismissed.

3. The learned Counsel for the Respondents Shri R.R. Shetty has drawn the attention of the Tribunal to a Full Bench judgement in OA 1095/94 where the simple question for consideration before the Full Bench of this Bench was as under:

" Whether the Key Board Operations subsequently designated as Photo-type Setters and who are again redesignated as Master Craftsman are workmen within the meaning of F.R. 56(b) and entitled to be continued in service till they attain the age of 60 years as held by the Ernakulam Bench of the Tribunal in OA No. 1433/93 or they are no longer Workmen and not entitled to continue in service beyond 58 years as held by the Principla Bench in OA No.1894/94"

4. The Full Bench vide its judgement dated 25th April 2000 had answered in thenegative and held that Tradesman redesignated as Groiup C or Group B posts are not workman within the meaning of F.R. 56(b) and ^{are} not entitled to retire at the age of 60 years,

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particularly, when the employee is working in Group C or Group B post. In this case also since the Applicant is working as a Senior Chargeman which is a Group C post as per Recruitment Rules placed on record this Applicant does not get the benefit of FR 56(b) and in this case also the age of superannuation is at 58 years. The learned counsel for Respondents cited a decision of the Supreme Court in the case of State of Orissa and Ors. V/s Adwait Charan Mohanty and Ors (1995) 29 ATC 365 SC where also the Hon'ble Supreme Court had held that Govt. Servant in Class III Class II or Class I, although answering the description of 'Workman' held, not entitled to continue in service till the age of 60 years but has to retire at 58 years.

5. In this case also Applicant is a Class III employee and is not entitled to retire at 60 years of age. In view of the above finding the OA does not call for any intervention by this Tribunal and the same is dismissed.

No costs.

(Ms. Shanta Shastry)
Member(A)

sj/ns

(Kuldip Singh)
Member(J)