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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 38/95

Date of Decision: 12/8/99.

Shri Pandarinath R Gaonkar

Applicant.

Advocate for
Applicant.

Versus

The superintending Engineer(E),
Telecom Electrical Circle, Slon,
Bombay - 400 022.

Respondent(s)

Shri V.S.Masurkar

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri. B.N.Bahadur, Member(A).

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

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

abp.

R. G. Vaidyanatha
(R.G. VAIDYANATHA)
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO:38/95.

DATED THE 12TH DAY OF AUGUST, 99.

CORAM: HON'BLE SHRI JUSTICE R.G.VAIDYANATHA, VICE CHAIRMAN
HON'BLE SHRI B.N.BAHADUR, MEMBER(A)

Pandarinath R Gaonkar,
resident of Union Mansion,
Room No.94, Dr.B.A.Road,
Dadar, Bombay - 400 014.

and last employed at the
Office of Superintendent
Engineer(East), Telecom
Electrical Circle, Sion,
Bombay - 400 022.

... Applicant.

V/s.

The Superintendent Engineer(E),
Telecom Electrical Circle, Sion,
Bombay - 400 022.

... Respondents

By Advocate Shri

I ORDER I I ORAL I

I Per Shri R.G.Vaidyanatha, Vice Chairman I

Case called out for final hearing. Applicant
and counsel absent. We have heard Shri V.S.Masurkar,
learned counsel for respondents and perused the entire
material on record.

2. The applicant retired from service as a
Ferro-printer from the Office of Superintending Engineer(E)
Telecome

3. The main grievance of the applicant is that he
is a Group 'D' official and entitled to continue in office
upto he attains 60years. Now, the respondents are trying
to retire him after attaining 58years and therefore he
approached this Tribunal and his main prayer is that he is
entitled to continue in service till he attains 60years

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(6)

and he should retire on 1/1/97.

Respondents stand is though the applicant was originally appointed as a Group 'D' officia, he was promoted to Group 'C' post as a Ferro Printer and for class-III officials, the age of retirement is 58years and therefore the applicant ~~could not continue~~ or allowed to continue in service till he attains 60years.

4. From the pleadings, we find that applicant was appointed as a Group 'D' employee but later on promoted as Ferro Printer which is a Group 'C' post and hence he is ^{able} ~~entitled~~ to retire on attaining 58years. No doubt the applicant was appointed as a Group 'D' employee, but the record shows that the applicant came to be promoted as Ferro Printer and the order of promotion is dated 16/3/78.

5. Respondents have produced the recruitment rules which clearly show that Ferro Printer is a Group 'C' post and hence the applicant cannot continue in service upto attainment of 60years as the age of retirement for Group 'C' post is 58years.

6. Hence, in view of the facts and circumstances of the case, the relief prayed for cannot be granted and since the applicant has since ~~been~~ retired after attaining 58years w.e.f. 10/5/95. Respondents counsel also tenders before us the letter dated 5/8/99 in which the retirement benefit was sent to the applicant through cheque. This letter dated 5/8/99 is taken on record.

7. In the result, the OA is rejected. There will be no orders as to costs.

B.N. Bahadur

(B.N. BAHADUR)

MEMBER(A)

abp.

R.G. Vaidyanatha

(R.G. VAIDYANATHA)

VICE CHAIRMAN