

(33)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH: HYDERABAD

O.A. NO. 240 of 1987.

~~Plaintiff~~

DATE OF DECISION 13/12/90

R.Janardhan Rao

Petitioner

Shri R.Timma Reddy

Advocate for the
Petitioner (s)

Versus

Lt. Col. Officer Commanding,

Respondent

1, Andhra Battalion, NCC,
183, Gunrock Enclave, Secunderabad-500003
and others

Shri N.Bhaskar Rao

Advocate for the
Respondent (s)

CCRAM

The Hon'ble Mr. J.Narasimha Murthy, Member (Judl)

The Hon'ble Mr. R.Balasubramanian, Member (Admn)

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not?
3. whether their Lordship, wish to see the fair copy of the Judgment?
4. whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice-Chairman on columns 1,2,4, (To be submitted to Hon'ble Vice-Chairman where he is not on the Bench)

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 HRBS
M(A)

(34)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH : AT HYDERABAD

O.A.No.240 of 1987.

Date of Judgment 13/2/90

R.Janardhan Rao

.. Applicant

Versus

Lt. Col. Officer
Commanding,
1, Andhra Battalion, NCC,
183, Gunrock Enclave,
Secunderabad-500003
and others

.. Respondents

COUNSEL FOR THE APPLICANT : Shri R.TIMMA REDDY ADV.,
(Not present)

COUNSEL FOR THE RESPONDENTS : Shri N.BHASKARA RAO: Addl.
CGSC.

CORAM:

HONOURABLE SHRI J.NARASIMHA MURTHY : MEMBER (JUDL)

HONOURABLE SHRI R.BALASUBRAMANIAN : MEMBER (ADMN)

I Judgment as per Hon'ble Shri R.Balasubramanian,
Member (Admn) I

This is an application filed under section 19
of the Administrative Tribunal Act by Shri R.Janardhan
Rao against the Officer Commanding, 1, Andhra Battalion
NCC and two others.

2. The applicant states that he was appointed as
NCC Officer - Junior Division in the 1st respondent's
office on 4.7.1965 in the basic pay of Rs.530-850
and that his basic pay at the time of the impugned ord
was Rs.950/- p.m. By his order dated 31.1.1987, of the
1st respondent the applicant was retired from service
with effect from 29.3.1987 after attaining the age of
The applicant contends that his age of retirement

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like any other Central Government servant should be 58 and therefore holds the order dated 31.1.1987 as illegal. He has prayed that the order dated 31.1.1987 be quashed and that he be permitted to continue in service till he attains the age of 58.

3. The claim of the applicant has been contested by the respondents. It is their case that the applicant who is a permanent teaching staff member of the Zilla Parishad High School, Trimulgherry was commissioned in NCC and worked as NCC Officer only on part-time basis. According to the rules part-time NCC officers can normally serve only upto 45 years of age. There is, however, a proviso empowering the competent authority to give extension upto the age of 50 in three spells. In any case there is no power to extend the service beyond the age of 50. This is according to NCC Act & Rules, 1948 passed by the Parliament. The respondent has also strongly refuted the statement of the applicant that he was appointed as NCC Officer in the scale of Rs.530-850. The applicant was never appointed in that scale/he had been getting in accordance with the rules is only a monthly honorarium of Rs.130/- payable to part-time NCC officers. They also point out that while the retirement at the age of 50 is only from the NCC, the applicant being a teacher subject to the

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rules of the teaching institution to which he is attached may continue beyond the age of 50. They also point out that the petitioner was fully aware as early as on 28.3.87 that he was granted the last and final extension.

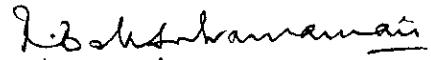
4. The short question to be settled is whether the retirement from the NCC is proper or not. We find from the impugned order dated 31.1.87 that while intimating the Headmaster, Zilla Parishad High School, Trimulgherry that the applicant has to be relieved on retirement from the NCC with effect from 29.3.87 the 1st respondent has requested the Headmaster to sponsor names of other teachers who are eligible. It is seen ~~from that~~ that for a person to be seconded to this job one should be a member of the permanent teaching staff. It can therefore be seen from here that the service with the NCC is only on part-time basis. We find from the records that on earlier occasions the learned counsel for the applicant was not able to produce any rule regarding the age of retirement from the NCC. The case had been adjourned on several occasions and even on the day of final hearing on 7.2.90 the counsel for the applicant was absent. We have heard the learned counsel for the respondent. In view of the present position that according to the rule which has not been challenged by the applicant the age of retirement

from the NCC of part-time officers is only 50.

We do not find anything wrong in the act of the respondent and we accordingly dismiss the petition. There is no order as to costs.



(J. NARASIMHA MURTHY)
Member (Judl)



(R. BALASUBRAMANIAN)
Member (Admn)

Dated

13 - 2 - 1990



DEPUTY REGISTRAR (J)

TO:

1. Lt. Col. Officer Commanding, 1, Andhra Battalion NCC, 183, Gunrock Enclave, Sec'bad-500 003.
2. The Director of NCC, Andhra Pradesh Picket, Sec'bad-500 003.
3. The Director General, NCC, New Delhi.
4. One copy to Mr. R. Thimma Reddy, Advocate, 3-5-698, Narayanguda, Opp. Old MLA Quarters, Hyderabad-500 029.
5. One copy to Mr. N. Bhaskara Rao, Addl. CGSC, CAT, Hyd.
6. One copy to Mr. R. Balasubramanian: Member: (A), CAT, Hyd.
7. One spare copy.

* * *

k.j.

