

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.286/91.

Date of Judgment 21.6.1991.

A.Rama Rao

.. Applicant

Vs.

1. Union of India,  
rep. by its  
Scientific Advisor to the  
Defence Minister and DGRD,  
New Delhi.

2. The Director,  
Defence Electronics  
Research Laboratory (DLRL),  
Chandrayangutta Lines,  
Hyderabad-5.

.. Respondents



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Counsel for the Applicant : Shri V.Jogayya Sarma

Counsel for the Respondents : Shri N.Bhaskara Rao, Addl.C

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CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl)

Hon'ble Shri R.Balasubramanian : Member(Admn)

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

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This application has been ~~has-been~~ filed by Shri.  
A.Rama Rao under section 19 of the Administrative Tribu  
Act, 1985 against the Union of India, represented by i  
Scientific Advisor to the Defence Minister and DGRD,  
New Delhi and ~~another~~.

2. At the time of application, the applicant <sup>was</sup> ~~is~~ wor  
as a Scientist Grade-C in the Defence Electronics Res  
Laboratory, Hyderabad. In this application, the appl

*with* quashing of the proviso <sup>in the impugned memo dt 24</sup> which comes in the way

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that the benefit of the judgment would be extended to him also, by the respondents. On the contrary, vide their letter No.D.O.PART-I dated 24.4.90 the Administrative Officer of the DLRL stated that the applicant will be retiring on attaining the age of superannuation on 31.3.91 afternoon. The applicant preferred a representation on 15.2.91 requesting them to retire him at the age of 60 years, revoking the judgment of the Bombay Bench. We, therefore, see no lapse on the part of the applicant.

7. In view of what is stated above and falling in line with the judgment of the Bombay Bench, we quash the proviso at the end of para 1 of the office memorandum dated 24.12.85 which reads as:

"provided they have been promoted to the grades they are holding at the time of attaining the age of 58 years within the preceding 5 years"

8. The application is thus disposed of with no order as to costs.

Case Number.....04-286/91  
Date of Judgement.....21/6/91  
Copy made ready on.....22/6/91  
Section Officer (J)

CERTIFIED TO BE TRUE COPY

Date.....27/6/91  
Court Officer  
Central Administrative Tribunal  
Hyderabad Bench  
Hyderabad.

- To
1. The Scientific Advisor to the Defence Minister and DGRD, Union of India, New Delhi.
  2. The Director, Defence Electronics Research Laboratory (DLRL) Chandrayanagutta, Lines, Hyderabad-5.
  3. One copy to Mr.V.Jagayya Sarma, Advocate, 2nd Floor, Pushpanjali Complex, Kothi, Hyderabad.
  4. One copy to Mr.N.Bhaskar Rao, Addl.CGSC.CAT.Hyd.
  5. One copy to Hon'ble Mr.C.Narasimha Murty, Member(C)CAT.Hyd.
  6. One spare copy.

on a judgment dated 15.9.89 of the Bombay Bench of this Tribunal in T.A.No.521/86 before them. The Bombay Bench of this Tribunal held that the proviso incorporated in the order of 24.12.85 imposing a condition on Scientists in the Grades B, C and D was illegal and quashed the provision. It is pointed out by the respondents that they had gone in appeal against this decision of the Bombay Bench and the S.L.P.No.6509/90/UOI <sup>3</sup> Vs. O.P.Gupta is pending before the Hon'ble Supreme Court. They, therefore, plead that the relief should not be granted. Another ground on which the respondents oppose the prayer is that the application is time-barred. The order is dated 24.12.85 and the applicant knew fully well that not having secured a promotion after the age of 53 years he would not get the benefit of extension of age of retirement in terms of the order of 24.12.85. It is pointed out by them that instead of agitating ~~against~~ at that time he has chosen to do <sup>so</sup> ~~that~~ now.

5. We shall now take up the first plea of the respondents. No doubt the case is pending before the Hon'ble Supreme Court but as of now there is no order staying the operation of the judgment of the Bombay Bench. We are in full agreement with the judgment of the Bombay Bench of this Tribunal.

6. As regards the second objection, the applicant must have been aware of the fact that a case of a similarly placed person was pending before the Bombay Bench. The case was of 1986. It is natural that he was awaiting the outcome of the case and when the case was finally disposed of in September, 1989, he would be justified in expecting