

75

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.1216/94

Date of Order: 27.6.97

BETWEEN

Major T.K.Mohan Rao

.. Applicant.

AND

1. Union of India, rep. by  
its Secretary, Ministry of  
Defence, New Delhi.

2. Director General,  
National Cadet Corps,  
Ramakrishnapuram,  
New Delhi.

.. Respondents.

-----  
Counsel for the Applicant

.. Mr. M. Panduranga Rao

Counsel for the Respondents

.. Mr. N.V. Raghava Reddy

-----  
COURT:

HON'BLE SHRI R.KANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI A.M.SIVA DAS : MEMBER (JUDL.)

-----  
JUDGE MEET

X Oral order as per Hon'ble Shri R.Kangarajan, Member (Admn.) X

-----  
Mr. N.V. Kama Rao for Mr. M. Panduranga Rao, learned  
counsel for the applicant and Mr. N.V. Raghava Reddy,  
learned standing counsel for the respondents.

2. The applicant in this OA is working as Wholetime  
officer in NCC. This OA is filed praying for a declaration  
that the action of the respondents in seeking to retire

No. 5433/Rct./DG NCC/MS (B), dt. 31.12.92 (A-1) by not adding  
weightage of 2 years 7 months 2 days to complete 33 years  
of service in case he is sought to retire at the age of  
55 years by holding that order is illegal, arbitrary and  
violative of articles 14 and 16 of the Constitution of India.

3. By the impugned order the request of the applicant was rejected for treating him as in service till the age of 58 years and on that basis settle his final settlement dues.

4. When the case was taken up for hearing the learned Counsel

~~thought to our notice the judgement of the Supreme Court in Civil Appeal No. 2449-50 of 1992 arising out of S.L.P. (C) No. 11385-86/91 wherein it was held~~

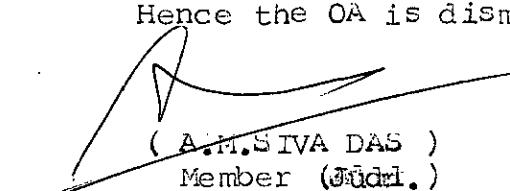
~~that~~ Wholetime NCC Officers are to be retired at the age of 55. The relevant portion of that Supreme Court judgement is as follows:

"We do not find any logic in this plea. It is true that there are no statutory rules at all dealing with the age of respondents but for that reason the age which is fixed for the civil servants governed by the Fundamental Rules cannot be fixed. In the absence of a rule to the contrary, the Central Government is fully authorised to fix the age which has done and will do voluntarily by respondents. They must now retire when they reach age of fifty-five years".

5.

That judgement in Civil Appeal No. 14774/96 arising out of SLP 17123/96. The later judgement was issued following the earlier judgement referred to above.

6. The learned counsel for the applicant submitted that his case is covered by the judgement of the Supreme Court. Hence the OA is dismissed. No costs.

  
( A.M. SIVA DAS )  
Member ( Judgl. )

  
( R. RANGARAJAN )  
Member ( Admn. )

Dated: 27th June, 1997

( Dictated in Open Court )

  
M.R. (J)

sd

24/7/92

(19)

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

A. M. Siva Das.

THE HON'BLE SHRI B. S. JAI PARAMESHWAR M.  
(J)

DATED 27/6/92

ORDER/JUDGEMENT

M.A. / R.A / C.A. NO.

in

O.A. NO: 1216/94

Admitted and Interim directions  
Issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative Tribunal

DESPATCH

27 JUL 1992

हैदराबाद न्यायालय  
HYDERABAD COURT