

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.NV.Raghava Reddy

CORAM:

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

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

J U D G E M E N T

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

Mr.N.V.Rama Rao for Mr.M.Panduranga Rao, learned
counsel for the applicant and Mr.N.V.R. 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/Ret./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 as~~ 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 - --- brought 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 ^{in a similar case} wherein it was held that the Whole-time NCC Officers are to be retired at the age of 55. The relevant portion of that Supreme Court judgement is reproduced below:-

"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 ---. In the absence of a rule to the contrary, the Government is fully authorised to fix the age which has done and which --- voluntarily by respondents. They must now retire when they reach age of fifty-five years".

5. That judgement was followed 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 (Judl.)

(R.RANGARAJAN)
Member (Admn.)

Dated: 27th June, 1997

(Dictated in Open Court)

24/7/97

(6)

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. Sivanadan

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

DATED: 27/6/97

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 न्यायालय Central Administrative Tribunal
वैद्युत/DESPATCH
27 JUL 1997
हयदराबाद न्यायालय HYDERABAD BENCH