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CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH

AT HYDERABAD.

..

O.A.No. 1438/97

A.S.Shanker Rao. Applicant

Versus

1. Union of India, Dept. of Atomic Energy, by its Secretary, New Delhi.
2. The Administrative Officer, Nuclear Fuel Complex, Hyd.
3. The Chief Executive, NFC, Dept. of Atomic Energy, Moulali, Hyd. Respondents.

29-10-1997 CORAM:

THE HON'BLE MR.H.RAJENDRA PRASAD MEMBER(ADMN)

THE HON'BLE MR.B.S.JAI PARAMESWAR : MEMBER(JUDL)

Heard Mr. P.N.A. Christian, the learned counsel for the applicant and Sri V.Rajeswara Rao, the learned counsel for the Respondents.

The applicant herein is working as a Driver under the Respondent No.3. He had completed 58 years of age by 31.8.97. Hence the 2nd respondent by his Order No. NFC/PA.X/2572/97 dated 20-10-1997 permitted him to retire from service as he had completed the age of superannuation of 58 years.

The applicant has filed this O.A., praying for declaration that he is entitled to be continued in service upto 60 years and to set aside the impugned order dated 20-10-1997 issued by the 2nd respondent.

He has relied upon the order of this Tribunal in O.A.No.807/87 in which case the Driver was held to be an Industrial Worker and was entitled

to continue upto 60 years as per the standing Orders and also under FR 56-B. It is submitted that even the Hon'ble Supreme Court of India has confirmed the said decision in O.A.807/87.

In view of this we feel that there is a prima facie case to consider the case of the applicant. It is a fit case for admission.

A D M I T.

As regards the interim order, the learned counsel for the respondents brought to our notice the correspondence of the Respondent No.3 with the Department of Atomic Energy by his letter dated 30-8-1997 and the clarification issued by the Department of Atomic Energy dated 13-10-1997 wherein the Department of Atomic Energy has clarified that the age of retirement of Drivers working in Nuclear Fuel Complex is 58 years and that the Respondent No.3 should have retired them on attaining the age of 58 years.

In this view of the matter, we feel that no interim order is necessary unless the respondents file a detailed counter.

The respondents are directed to file their counter, positively, before 28.11.1997 and serve a copy on the other side.

Post this O.A., for final hearing on 1st December,1997 immediately below the admission matters.

B.S.JAI PARAMESHWAR
MEMBER(J)

H.RAJENDRA PRASAD,
MEMBER(A)

Date: 29--10-1997.

Dictated in open Court.

sss.

I Court.

TYPED BY: CHECKED BY:

COMPARED BY: APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BBE MR.JUSTICE:
VICE-CHAIRMAN

And

THE HON'BLE MR.H.RAJENDRA PRASAD :M(A)
The Hon'ble Mr. B.S. Jaiparameshwar: M(J).

DATED:- 29/10/97

ORDER/~~JUDGMENT~~.

M.A./RA./C-A.No..

in

O.A.No. 1438/97

T.A.No. (W.P.)

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No.order as to costs.