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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.869/97

dt. 6-4-98

Between

1. Smt. Gera Degamma
2. Shaik Peer Bee

: Applicants

and

1. Director General
Indian Council of Agri. Research
(ICAR), Krish Bhavan
New Delhi 1

2. Director
Central Tobacco Research Instt.
(CTRI), Terredu Road
Rajahmundry
East Godavari Dist. A.P.

3. Sr. Admn. Officer
Central Tobacco Research Instt.
Torredu Road
Rajahmundry
East Godavari Dist AP

4. Spl. Officer and Head
CTRI & Research Station
Markt Yard
Guntur 1 AP

: Respondents

Counsel for the applicants

: K.K. Chakravarthy
Advocate

Counsel for the respondents

: K. Bhaskar Rao
CGSC

CORAM

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)



Order

Oral order (per Hon. Mr. R. Rangarajan, Member (Admn))

Heard Sri K.K. Chakravarthy for the applicants and Sri K. Bhaskar Rao for the respondents.

1. There are two applicants in this OA. The services of both the applicants were terminated since they reached 60 years of age as per Forensic examination report received from the Medical College authorities, Guntur, under the powers conferred on the respondents by clause (a) Sec.25-F of ID Act, 1947. Both the applicants were working as Casual Labourers under Respondent organisation.

2. This OA is filed to set aside the impugned proceedings No.7.2(15)/97-98 of 5-5-1997 (Annexure-1) by holding the same as illegal, arbitrary, and for a consequential direction to take the petitioners to duty along with other workers with immediate effect.

3. This OA is not pressed as far as Applicant-2 is concerned. Hence, this OA is deemed to have been filed for challenging the termination of Applicant-1. The case of the applicant is that she is only 45 years old and those casual labourers over 60 years old are continued whereas she has been terminated without ascertaining her age correctly.

4. On 31-3-1998 the Tribunal directed the learned counsel for the applicant to produce the age certificate from proper authorities in regard to continuation of the applicant-1 that she is only 45 years old. Today the learned counsel for the applicant produced a letter issued by the father of the applicant-1 and attested by the MRO and the

Sarpanch of the village. The father of the applicant had declared that the applicant's date of birth is 19-9-1948 and that certificate is attested by the sarpanch of the village and MRO. It is also stated in the certificate of the applicant's father that the applicant's date of birth will not be changed further. This certificate cannot be taken as date of birth even if it is attested by the Sarpanch and MRO. The attestation of MRO and Sarpanch is only to the effect that the father of the applicant has issued. This attestation has no significance in regard to fixation of age of the applicant as stated in the certificate.

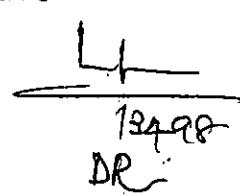
5. The learned counsel for the applicant submits that Dr. V.R. Jayaram, MD, Professor of Medicines, Guntur Medical College, has given a certificate to the effect that the applicant-1 is aged about 45 to 46 years by appearance and by her own statement. Relying on this certificate the learned counsel for the applicant submits that the termination of applicant-1 is irregular.

6. Respondent-4 may examine this certificate and if required send the applicant for re-medical examination at her cost. The final decision in this connection should be taken by Respondent-4 within a period of two months from the date of receipt of copy of this order. If she is found eligible for continuance of her service as Casual Labourer on the basis of the decision taken, she should be reengaged as Casual Labourer.

7. With the above direction the OA is disposed of.
No costs.


(R. Rangarajan)
Member (Admn.)

Dated : April 6, 98
Dictated in Open Court


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Copy to:

1. The Director General, Indian Council of Agricultural Research, (ICAR), Krishi Bhavan, New Delhi.
2. Director, Central Tobacco Research Instt. (CTRI), Terredu Road, Rajahmundry, East Godavary District.
3. Sr. Admn. Officer, Central Tobacco Research Instt. Torredu Road, Rajahmundry, East Godavari District.
4. Spl. Officer and Head CTRI & Research Station, Market Yard, Guntur 1 A.P.
5. One copy to Mr. K. K. Chakravarthy, Advocate, CAT, Hyderabad.
6. One copy to Mr. K. Bhaskara Rao, Addl. CGSO, CAT, Hyderabad.
7. One copy to D. R(A), CAT, Hyderabad.
8. One duplicate copy.

YLKR

23/4/98
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II COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 6/4/98

ORDER/JUDGMENT

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

in

D.A. NO. 869/97

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

