

CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..

O.A.No. 1434/1997.

B.S.N.Reddy.

Applicant

Versus

Union of India, Department of Atomic
Energy represented by its Secretary,
New Delhi and two others. Respondents.

CORAM:

29-10-1997

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 is completing 58 years
of age by ~~31-10-1997~~ Hence the 2nd respondent by his
Order No. NFC/PA.X/1175/97 dated 20-10-1997 permitted
him to retire from service on attaining 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 ~~also~~ relied upon the order of this
Tribunal in ~~that~~ O.A.No.807/87 in which case the Driver
was held to be an Industrial Worker and was entitled

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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.

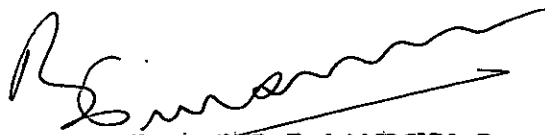
In this view of the matter, we feel that no interim order is necessary unless the respondents file a detailed counter.

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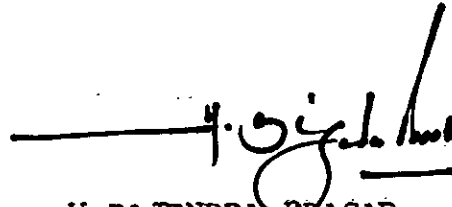
The respondents are directed to file their counter, positively, before 28.11.1997 and serve a copy on the other side.

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



B.S. JAI PARAMESHWAR
MEMBER (J)

29.10.97



H. RAJENDRA PRASAD,
MEMBER (A)

Date: 29--10-1997.

Dictated in open Court.



Dr. M. I.

SSS.