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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1612/97

Date of Order : 9.12.97

BETWEEN :

G.Sankaram

... Applicant.

AND

1. Union of India, rep. by its
Scientific Advisor to Raksha
Mantri & Director General
Research & Development.
Directorate of Personnel,
B-Wing, Sansh Bhavan, DHQ PO,
New Delhi.

2. The Director, Defence Electronics
Research Laboratory, Chandrayanagutta,
Hyderabad.

Counsel for the Applicant

... Respondents.

Counsel for the Respondents

... Respondents.

... Mr.V.Jogayya Sarma

... Mr.V.Vinod Kumar

CORAM:

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

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUD L.)

O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Mr.V.Jogayya Sarma, learned counsel for the applicant
and Mr.V.Vinod Kumar, learned standing counsel for the
respondents.

2. The applicant while working as Scientist Grade-D in
Defence Electronics Research Laboratory under R-2 was retired
from service on 31.1.97 on attaining the age of superannuation.
The applicant submits that for Scientists, the retirement age
for superannuation is 60 years and that has been upheld by
this Bench in O.A.No.286/91 dated 21.6.91 and Bombay Bench
of this Tribunal in T.A.No.521/86 dated 15.9.89. Those

JAC

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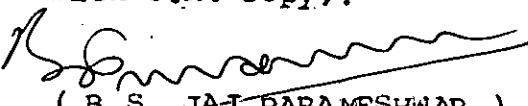
judgements have been upheld by the Supreme Court in Civil Appeal No.4488/90 dated 20.11.96. The applicant submits that he has brought the above details to the notice of R-1 by his representation dated 29.1.97 (A-5). It is stated that the representation is yet to be disposed of. However in that representation he has not quoted the operative portion of the judgement of the Supreme Court. Now that he has enclosed the Supreme Court's judgement, it is available for perusal by the respondent authorities.

3. This OA is filed to declare that the action of the respondents in retiring the applicant on 31.1.97 applying the proviso to Para-1 of memo No.7 (3)/85-D (R&D) dated 24.12.85 by R-1 is illegal in view of the judgements referred to above and for a consequential direction to the respondents to retire him at the age of 60 without any break in service from 1.2.97 till he attains the age of 60 and to pay all the arrears of pay and allowances from 1.2.97.

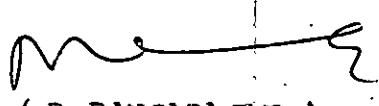
4. The representation of the applicant dated 21.1.97 is still pending. It is for the respondents to consider his application taking due note of the judgements of the ^{2 Benches of this} Tribunals as well as the Supreme Court's judgements and pass a reasoned order on that basis. Time for compliance is 3 months from the date of receipt of a copy of this order.

5. The OA is ordered accordingly. No costs.

(Registry should send a copy of this judgement along with O.A. copy).

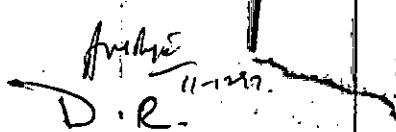

(B.S. JAI PARAMESHWAR)
Member (Judl.)

9.12.97


(R. RANGARAJAN)
Member (Admn.)

Dated : 9th December, 1997

(Dictated in Open Court)


D.R.
11-12-97

DA.1612/97

Copy to:-

1. The Scientific Advisor to Raksha Mantri & Director General Research & Development, Directorate of Personnel, B-Wing, Sena Bhavan, DHQ PO, New Delhi.
2. The Director, Defence Electronic Research Laboratory (DERL), Chandigarh.
3. One copy to Mr. V. Dogayya Sarma, Advocate, CAT., Hyd.
4. One copy to Mr. V. Vinod Kumar, Addl. CGSC., CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One duplicate.

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 9/12/97

ORDER/JUDGMENT

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

in
D.A.NO. 1612/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

