

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1033/99

dated : 23-10-2000

Between

1. K. Venkateswara Rao
2. G. Ragavaiah
3. K. Venkateswamy

: Applicants

and

2. Union of India, rep. by
Secretary, M/o Finance
Dept. of Expenditure
Secretariat, New Delhi

2. Union of India rep. by
Secretary, Personnel PG & Pension
D/o Personnel & Training
S sansad Marg, Dak Bhawan
Ne w Delhi

3. Union of India rep. by
Director General
Dept. of Posts, Dak Bhav an
Sansad Marg New Delhi

4. Chief Post Master General
Dak Sadan, Abids
Ap Circle, Hyderabad

5. Supdt. of Post Offices
Machilipatnam

: Respondents

Counsel for the applicants

: Krishna Devan
Advocate

Counsel for the respondents

: V. Rajeswara Rao
CCSC

Coram

Hon. Mr. Justice D.H. Nasir, Vice Chairman

Hon. Mr. R. Rangarajan, Member (Admn.)

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Order

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

None for the applicant. Mr. V. Rajeswara Rao for the respondents, in both the cases.

2. Though both the cases are disposed of the order should be treated as separate judgement for each case.

3. The contentions raised in these OAs and the relief prayed for are same. Hence both the OAs are disposed of by a common order.

4. In OA.839/99 there are three applicants. The first applicant retired from Central Government service on 31-8-1997 while he was working as Head Postman. The second applicant retired on 31-5-96 while he was working as Postman and the third applicant retired on 31-3-98 while he was working as SPM (BCR). The retirement age of Central Government servants was revised by increasing from 58 years to 60 years, by OM No.25012/2/97-(Estt) A dated 13-5-98. The applicants requested for reinstatement and continuation in service up to the age of 60 years, which was rejected by the impugned order dated 21-8-98.

5. In OA.1033/99 there are three applicants. The first applicant retired from service while working as SPM on 30-6-96. The second applicant retired on 31-3-97 while working as SPM and the third applicant retired on 30-11-97 while working as Head Postman. They also requested for retaining them upto the age of 60 years on the basis of the OM dated 13-5-98, which was rejected.

6. In both the OAs the applicant had retired before issuance of the memo dated 13-5-98 increasing the age of superannuation from 58 to 60. The applicants requested for the reinstatement in service and continue them upto age of 60 in view of the above said memo.

7. Both the OAs were filed praying for a declaration that the applicants are entitled for backwages and continuation in service upto the age of 60 years, by holding that the action of the respondents in excluding the applicants from the application of the circular dated 13-5- 98 issued by the R-2 as arbitrary, discriminatory, malafide being violative of Articles 14,15,16 & 21 of the Constitution, and for a consequential direction to the respondents to reinstate them in to duty and continue them till they attain the age of 60 years making necessary provisions.

8. Similar OA.589/99 was heard by this Tribunal and judgement was delivered on 4-1-2000. There also the contentions raised and prayer and consequential reliefs are similar as those contended in the present OAs.

9. For the reasons stated in the judgement in OA.589/99 disposed on 4-1-2000 these OAs are also disposed of for the reasons stated therein. In another OA.262/99 wherein also the same relief was asked for, was dismissed relying on judgement in OA.589/99, on 5-1-2000.

10. Following the judgments in earlier OAs these OAs are also dismissed. No costs.

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CASE NO: ER
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Certified by the Court Officer
निम्नलिखित प्रमाण
निम्नलिखित Administrative Tribunal
कृतांशु यामिनी
MUMBAI BENCH