

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT CAMP : INDORE

C.C.P.Nos.6, 7, 8 & 9 of 2006

Indore, this the 13th day of July, 2006

Hon'ble Dr.G.C.Srivastava, Vice Chairman
Hon'ble Mr.A.K.Gaur, Judicial Member

Smt.Gyarsibai w/o Babulal	-Petitioner in CCP 6/2006
Smt.Mulibai w/o Ramnath	-Petitioner in CCP 7/2006
Smt.Durgabai W/o Balmukund	-Petitioner in CCP 8/2006
Smt.Jainabai w/o Mohd.Hussain	-Petitioner in CCP 9/2006

all N.M.R.Mali,
C/o Central P.W.D.Mazdoor Union
(Approved Labour Union)
Through Regional Secretary,
Camp 3216 BNP Colony, Dewas(M.P.)
(By Advocate - Smt.Swati Ukhale)

Versus

1. Dr.R.B.Verma, Director,
Horticulture Department, I.P.Bhawan,
CPWD Office, Indra Prasth Estate,
New Delhi.
2. Shri Maharaj Singh, Additional Deputy
Director, Horticulture, Central PWD Office,
Bank Note Press, Dewas.
3. Shri Santhosh Kumar, Dy. Director, Horticulture,
Nirman Sadan, Near Govt. Press, Bhopal - Respondents in
all the CCPs.

Common Oral Order

By A.K.Gaur, JM.-

By means of orders dated 29.4.2005 in OAs 842, 843,
844 & 845 of 2004 this Tribunal has passed the following
order:-

"5. The respondents have admitted in their reply that the applicants were initially engaged as Casual Labourer and were given temporary status (copy of the order of grant of temporary status is not enclosed). It appears that there was some dispute of the actual date of birth of the applicants as recorded in the records of the respondents. It further appears that the rejection of the applicants petitions for change of date of birth have not been intimated to them before terminating their services at the age of superannuation. In the circumstances, in the interest of justice, we are of the view that the matter should be re-examined by the respondents with an opportunity to the applicants of being heard before taking any decision in the matter. There will be some corroborative evidence like medical examination or the records of initial appointment or service book of the applicants. Those should be examined and preferably a show

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cause notice should be given to the applicants before taking a final decision in the matter and the applicants should be heard and their evidence if any be considered and decision on the matter should be taken by a speaking order. After the applicants are given such opportunity of being heard and decision on the correct date of birth is communicated to the applicants, only then the respondents may proceed to take a decision afresh in the matter. Reinstatement or any other consequential benefits will be dependent on the outcome of the investigation and order passed by the respondents as directed hereinbefore. This exercise should be completed within a period of 3 months from the date of receipt of copy of this order"

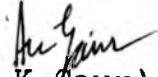
2. In pursuance of the direction contained in the order dated 29.4.2005, the respondents have considered the case of the petitioners and passed an order dated 9.5.2006. In the order dated 9.5.2006, the respondents have observed as follows:-

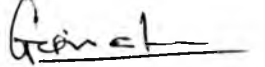
"The aforesaid employees have filed the cases against the department by challenging order of retirement which was issued on 29.11.1997.

By order dated 29.04.2005, the Central Administrative Tribunal directed the department to reexamine the case of the employees with an opportunity to them before taking any decision in the matter. It was observed that there will be some corroborative evidence like medical examination or the record of initial appointment or service book of employees. As per the directions of the Tribunal, after receipt of the order @ the department has issued a letter dated 28.06.2005 to the employees and informed them to produce the documents which relate to date of birth/age but employees were failed to do so. Therefore, for the verification of the age, the department has issued letter No.55(4)/2005/RD/238 dated 22.07.2005 to the Chief Medical Officer, Indore. The employees had appeared before the Board on 01.08.2005 and the certificates were issued by the competent authority, by verifying the age and informed that the age of the employees are more than 55 and but before 60 years. On the basis of the aforesaid medical verification, the department has taken the decision that the average age of the employee can be assumed as 57 1/2 year as on 01.08.2005. The age of the superannuation is 60 years. Therefore, the aforesaid employees viz. Smt. Gayarsibai, Smt. Durgabai, Smt. Jainabai, Smt. Moolibai are entitled to reinstatement of their services by keeping their age of 01.08.2005 as 57 1/2 year and accordingly it is ordered that -Smt. Gayarsibai, Smt. Durgabai, Smt. Jainabai, Smt. Moolibai are reinstated in service and now their date of superannuation will be January 2008 after completion of 60 years. However, it is made clear that the employees are not entitled for any back wages from 29.11.1997 till the date of the reinstatement on the ground of 'No Work No Pay'".

3. In view of the aforesaid compliance, we do not find any case for wilful disobedience of the order and

direction of this Tribunal. Accordingly, the CCPs are dismissed. The petitioners will, however, have the liberty to file fresh OAs, if they still feel aggrieved.


(A.K. Gaur)
Judicial Member


(Dr. G.C. Srivastava)
Vice Chairman

rkv.

पठानन सं ओ/न्या.....जबलपुर, दि.....

पतिलिखि अगोशित:-

- (1) सचिव, उच्च न्यायालय नार एसोसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के काउंसल
- (3) प्रत्ययी श्री/श्रीमती/कु.....के काउंसल
- (4) जंयपाल, के.प्र.अ., जबलपुर न्यायपीठ
सचन एन आवश्यक कार्यवाही हेतु

Swati Khale
Dr. NODRE
(4)

24/7/20
उप रजिस्ट्रार

Issued
24.7.06