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**CENTRAL ADMINISTRATIVE TRIBUNAL,
CHANDIGARH BENCH,
CHANDIGARH.**

O.A.No.060/00284/2014

Date of Decision : 5.9.2014

Reserved on : 02.09.2014

**CORAM: HON'BLE MRS. RAJWANT SANDHU, ADMINISTRATIVE MEMBER
HON'BLE DR. BRAHM A. AGRAWAL, JUDICIAL MEMBER**

Krishan Lal s/o Chhuni Lal r/o House No.179, Housing Board Colony,
Ferozepur City.

Applicant

Versus

1. Indian Red Cross Society, Punjab State Branch, Sector 16, Chandigarh through its Secretary.
2. Indian Red Cross Society, Branch Ferozepur, District Ferozepur through its Secretary.
3. Deputy Commissioner Ferozepur-cum-President Indian Red Cross Society, Branch Ferozepur, District Ferozepur.
4. Ashok Behl s/o Ram Murthy, Secretary, Indian Red Cross Society, Branch Ferozepur, District Ferozepur.

Respondents

Present: Mr. Puneet Kumar Bansal, counsel for the applicant
Mr. Y.P.Singla, counsel for respondents no.2 to 4

ORDER

HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

1. This Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:-

"8 (ii) That the impugned resolution / order whereby retirement age has been reduced from 60 years to 58 years by acting against the Punjab State Branch Rules may be set aside.



(iii) That the applicant be permitted to work till he reaches the age of 60 years and be paid wages for the period he works."

2. The petitioner has been working as Driver with the respondent organization and completes the age of 58 years in March, 2014. The OA is directed against the orders / resolution dated 20.01.2014 passed by the Indian Red Cross Society, Ferozpur whereby the age of retirement has allegedly been reduced to 58 years and the applicant has been directed to be retired in March, 2014.

3. Averment has been made in the OA that under Section 5 of the Indian Red Cross Society Act, 1920, rules have been framed for State / UT / District Branches (Annexure P-1). Sub Clause 'e' of Clause 'G' of Chapter 3 of these rules allows the State Branch to make service rules for the Branch. As such the Indian Red Cross Society, Punjab State Branch, Chandigarh framed its Rules (Annexure P-2). Rule 19 of these rules reads as follows:-

"19. Retirement:

A person in service of the Society shall retire on attaining the age of 60 years provided that the date of retirement in all cases shall be the last day of the month (afternoon) in which the concerned employee completed 60 years. This however will not apply to such employees, who are appointed for a term exceeding 60 years."

Each District Branch can frame its own rules for running its own affairs but such rules should be within the provisions of the State Branch Rules and are subject to approval by the Managing Committee of State Branch. The respondents had acted against Rule 19 of the Rules reproduced above by

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passing the resolution dated 29.01.2014 reducing the age of retirement of regular employees to 58 years and thereby forcing the applicant to retire at the age of 58 years. The Indian Red Cross Society, Ferozpur Branch, did not have its own rules and hence was bound by the Punjab State Branch, Chandigarh, Rules. Moreover, in the case of the District Branch Hoshiarpur the age of retirement of Class III regular employees was 60 years. Many employees of Red Cross Society had earlier retired at the age of 60 years and hence the resolution dated 29.01.2014 should be quashed and the applicant allowed to continue in service till he attained the age of 60 years. It has further been alleged that the resolution had been passed at the instance of respondent no.4 who was the Secretary of the District Branch of Ferozpur and the petitioner had filed complaints against this person.

4. In the written statement filed on behalf of the respondents, it has been stated that the Indian Red Cross Society, Ferozpur, is a District Branch which is an autonomous body constituted under the Indian Red Cross Society Act, 1920. This Branch is working under the Executive Committee that includes Officers of various Departments / NGOs & Social Workers, Red Cross members etc. under the Presidentship of Deputy Commissioner, Ferozpur. The main source of income of the respondent Society was the monthly rent received from its buildings and donations etc. No grant was received from the State Branch by the District Branches even though Annual Grant was being released to the State Branch by the

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Government of Punjab. As such, the Punjab State Branch had no administrative or financial control over the District Branches and the District Branches being autonomous bodies functioned under the Presidentship of the Deputy Commissioner of the concerned district. It is further stated that no uniform service rules have been framed for the employees of the District Red Cross Branches till date. While some District Branches had framed their own service rules, the majority, including the respondent Ferozepur Branch, did not have their own service rules and they were regulating service conditions of the employees on the basis of the decisions taken by the Executive Committee in the meetings held from time to time. The retirement age of the employees in the District Red Cross Branches of Faridkot, Sangrur and Gurdaspur was also 58 years as was clear from the annexed letters dated 27.02.2013 and 19.03.2013. It is also stated that the present OA had been rendered infructuous as the applicant had retired on attaining the age of superannuation on 31.03.2014 as per implementation of the resolution dated 21/29.01.2014 passed by the Executive Committee in its meeting held under the Presidentship of Deputy Commissioner, Ferozepur and the admissible retiral benefits of DCRG and Leave Encashment totalling Rs.8,42,859/- had been released to the applicant. The applicant had also been advised to take the CPF dues after 31.03.2014. Hence, the applicant was left with no cause of action as the resolution dated 21/29.01.2014,

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against which the present OA had been filed, had since been implemented.

5. Arguments advanced by the learned counsel for the parties were heard when learned counsel asserted that the rules of the State Branch of the Indian Red Cross Society were applicable to the District Branches and since the retirement age of employees of the State Branch was 60 years, the District Branches were also required to adopt this age of superannuation for their employees. On the other hand, learned counsel for the respondents stated that the Rules of the State Branch did not apply to the staff in the District Branches. Admittedly, no service rules had been framed for Indian Red Cross Society, District Branch, Ferozepur and service matters were being considered and decisions taken by the Executive Committee from time to time at meetings chaired by the Deputy Commissioner of the District.

6. We have given our thoughtful consideration to the matter. It is evident from the material on record that there is no uniformity regarding the age of retirement of employees of the District Branches of the Indian Red Cross Society. Some Districts have rules that mention retirement age of 58 years while others operate on adhoc basis in the absence of service rules for their employees. Since the Executive Committee of the District Branch Ferozepur has passed resolution on 21/29.01.2014 that the age of retirement of the employees of the Society shall be 58 years and the

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applicant has been retired in March, 2014 in accordance with the resolution, there does not appear to be any infirmity in the same.

7. The applicant has retired and also received his full retirement benefits. Hence, nothing survives in the OA and the same is disposed of as having been rendered infructuous. No costs.

(RAJWANT SANDHU)
ADMINISTRATIVE MEMBER.

(DR. BRAHM A. AGRAWAL)
JUDICIAL MEMBER

Place: Chandigarh

Dated: 5.9.2014

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