

10/100

a

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: GUWAHATI -5.

ORIGINAL APPLICATION NO.

32/95

MISC PETITION NO.

(J.A. NO.)

REVIEW APPLICATION NO.

(J.A. NO.)

CONT. PETITION NO.

(J.A. NO.)

B. B. Bhattacharjee

APPLICANT(S)

VERSUS

H. O. I & Ors.

RESPONDENT(S)

Mr. S. Roy  
Mr. P. C. Das

Advocate for the  
Applicant.

Advocate for the  
Respondents

Office Note

Court Orders

8-3-95

(from  
Manipur)

Mr. S. Roy with Mr. P. C. Das for the applicant. Question of correct retirement date is involved. Application is admitted. Issue notice to the respondents. Mr. A. K. Choudhury Addl. C. G. S. C. now seeks to appear for respondents. He is requested to file memo of appearance in due course. However, notices <sup>be</sup> directly issued to the respondents. 8 weeks for written statement.

Issue notice to the respondents to show cause as to why interim order as prayed should not be made, returnable on 27-3-95. at 10-30 a.m. Original Application is adjourned for orders to 8-5-95. To be placed on Board for hearing as to interim relief on 27-3-95.

Copy be furnished to the counsel. Counsel <sup>to</sup> take immediate steps for service.

Vice-Chairman

Member

1m

for affix as

This application is in  
form and within time:

C. F. of Rs. 50/-

deposited vide

PO/BB No. 379335

Dated 21/3/95

for 9/3/95

3 (three) Copies of appli-  
are submitted for  
issuing notices.

for 9/3/95

7  
O. A. 32/95

OFFICE NOTE

COURT ORDERS

Notice issued to resps.  
by Speed post at 10.27.3.95  
Cost of post - vide  
no. 1098-1100 & 10.3.95

Mr. P.C. Das for the applicant.  
Mr. A K Choudhury, Addl. C.G.S.C.  
for the respondents.

Notice was issued to the respondents to show cause <sup>against</sup> to interim relief, by order dated 8.3.95. The office report says that <sup>the</sup> though notices were sent by Speed Post on 10.3.95. Although formal service report is still awaited, there is no reason to assume that the notices have not been received by the respondents. No cause is shown against the prayer for interim relief. Mr. A.K. Choudhury the learned counsel for the respondents states that he has so far not received any instructions from the respondents.

The applicant has stated that he is skilled worker Grade 1 in the office of the Director of Small Industries Service Institute, Imphal. Prima facie from the Identity Card, ~~Annexure~~ issued under the signature of the Director it appears to be so. It is now settled that workers like the applicant are Workmen within the meaning of the FR 56(b) and they are entitled to continue in service till they complete the age of 60 years. That view is also taken by the ~~Arnakulam~~ Bench of the Central Administrative Tribunal, in which

1) Service Reports are still  
awaited.

25/3  
24/3

3

O.A. 32/95-

OFFICE NOTE	Date	COURT'S ORDER
	27.3.95	<p>copy of the judgement is annexed as Annexure 4 to the application. The said order is dated 20.12.92.</p> <p>It is averred by the applicant that he has filed first application on 27.9.94 to the respondent No. 3 followed by reminders on 19.12.94 and 27.1.95 but no reply has been received. At this stage it is presumed that these communications were in fact filed by the applicant. Prima facie therefore it appears that the applicant would be entitled to continue upto attaining 60 years of age.</p> <p>Considering the above aspects and since the proposed retirement date of the applicant is 31.3.95 and as no cause is shown by the respondents at this stage the respondents are hereby directed as follows :</p> <ol style="list-style-type: none"><li>The respondents shall not cause the applicant to retire on 31.3.95 and <del>shall</del> to continue him in service until further orders.</li><li>To dispose of the representation of the applicant dated 27.9.94 expeditiously and inform the result thereof to the applicant.</li><li>Liberty to respondents to apply for vacation of the order after the decision of the representation is given with notice to the applicant.</li><li>Liberty to the applicant to challenge the decision on the representation when given if he is aggrieved by the same.</li></ol>

O.A. 32/95

OFFICE NOTE

Date

COURT'S ORDER

27.3.95

Subject to the above interim order the other directions dated 3.3.95 shall apply.

Member

Vice-Chairman

trd

Order d. 27.3.95  
issued to all concerned  
vide no 1381-85

1.5.95

None for applicant. As requested by the Deputy Director by his letter dated 7.4.95 adjourned to 7.5.95 for orders.

Member

Vice-Chairman

pg

PR is received from  
in 8151, Dmshat in  
C/O in O.A. no. 32/95.

The Dy. Director on  
behalf of the R.M. 3 has  
prayed for 60 days  
leave to submit the  
requirements  
submitted.

Am  
19/4

Service <sup>reports</sup> are still awaited

Am  
19/4

8-5-95

Mr. P.C. Das for the applicant.  
Mr. A.K. Choudhury Addl. C.G.S.C.  
for respondents. In view of the  
letter of Deputy Director dated  
7/8-4-95 we have adjourned the  
O.A. for orders to 7-6-95. Mr. Das  
who comes from Agartala was not  
present on that day and he is not  
aware of the matter placed on  
board for orders. He now says that  
7-6-95 is not convenient to him  
and the date may be changed to  
10-7-95. Mr. Choudhury has no  
objection.

Hence the O.A. be placed for  
orders on 10-7-95 instead of  
7-6-95. Mr. Das orally seeks for a  
direction to the respondents to  
pay the salary to the applicant  
for the month of April 1995 and  
onwards in view of the interim  
order passed on 27-3-95 directing  
the respondents not to cause the  
applicant to retire on 31-3-95  
and to continue him in service  
until further orders. We think that  
since payment of salary is inciden-  
tal to the aforesaid directions  
the respondents are expected to do  
the needful till they get the order  
vacated and the disposal of the  
O.A. The hearing of the O.A. also  
cannot be expedited till the respon-  
dent to file the written statement  
for which they have applied for  
time. The applicant is given  
liberty to serve a copy of these  
minutes upon the respondent No. 3.

Contd/-

8-5-95

Liberty to applicant to apply appropriately if so advised after reasonable time after the minutes are served <sup>on</sup> for respondent No.13 and yet <sup>he</sup> is not paid the salary.

Copy of the order be supplied to the counsel for the applicant as well as <sup>to</sup> Mr. A.K. Choudhury, Addl. C.G.S.C.

*[Signature]*  
Vice-Chairman

*[Signature]*  
Member

lm

6-6-95

OFFICE NOTE  
5/6/95

The letter at Flag 'A' received from the applicant may kindly be perused.

The applicant wants to withdraw his application and requests this Hon'ble Tribunal to drop the matter and inform his office to get the retirement benefit.

Laid for favour of kind perusal and further orders.

*[Signature]*  
C.O.

In view of the letter of the applicant received on 5-6-95 the matter is placed for orders. Learned counsel for the applicant is not present. Mr. A.K. Choudhury Addl. C.G.S.C is present for the respondents, but has no instructions.

By his letter aforesaid the applicant has requested <sup>to</sup> for allow him to withdraw the case. We however find that the said request is result of frustration on account of non-payment of salary from 1-4-95 onwards. We <sup>are</sup> have not therefore, inclined to allow the withdrawal of the case at this stage.

It appears to us that the situation brought about by the respondents <sup>why</sup> not follow <sup>my</sup> our interim order dated. 8-5-95 <sup>in true</sup> in the spirit in which it was expected to be followed. We therefore, hereby direct the respondents to forthwith release the payment of salary of the applicant from 1-4-95 onwards up to date and make a compliance report to this Tribunal within 1 month from to-day. It should be noted that in the event of non-compliance of this order proceeding the

contd/-


6-6-95 contempt may be initiated. Communicate the order immediately to respondent No.3 as well as to the applicant directly. Copy also be furnished to Mr.A.K.Choudhury, Addl.C.G.S.C. Order on prayer for withdrawal <sup>is</sup> reserved. ~~to be~~ O.A. to be placed for further orders on 10-7-95.

URGENT: Communicate early.

7/6

lm

  
Vice-Chairman

  
Member

Order d. 6-6-95 in  
v.no. 2678-50 d. 15-6-95  
7/6

10-7-95

Service reports are still  
awaited.

7/7

Mr.S.Roy for the applicant.  
Mr.A.K.Choudhury, Addl.C.C.S.C. for the  
respondents.

Vide letter received by this  
office on 5-6-95 the applicant has  
stated that he <sup>has</sup> decided to be with-  
drawn the case. He has also stated that  
he is willing to <sup>be</sup> treated as retired on  
31-3-95. Earlier we have noted on  
6-6-95 when the learned counsel for the  
applicant <sup>was</sup> is not present that <sup>we</sup> we  
noticed that the request for withdrawa  
was perhaps on account of non-payment  
of salary and therefore we did not  
pass ~~ed~~ that order. To-day however,  
Mr.S.Roy the learned counsel for the  
applicant is present and he states that  
he has <sup>instructed</sup> directed of the applicant not to  
press the O.A. Hence O.A. is disposed  
of as not press <sup>by</sup> by the applicant. No  
order as to costs. <sup>is</sup> subject

Interim order <sup>is</sup> vacated to follow-  
ing directions :-

contd/-



10-7-95

Notwithstanding the disposal of the O.A. the respondents do not stand absolved of their ~~obligation~~ <sup>obligation</sup> to submit a compliance report as directed on 6-6-95. The respondents therefore <sup>to</sup> file the report.

19.7.95

Copy of order dttd.  
10.7.95 issued to  
all concerned by  
Regd. Post vide  
S/No. 3237-40  
Dtd. 25.7.95.

gk

lm

✓

Vice-Chairman

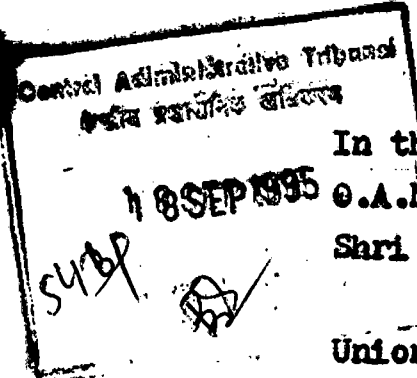
Member

18.9.95

A Compliance report  
as per direction of the  
Hon'ble S. Hon'ble A. 10-7-95  
received from ~~deputy director~~  
(Chem) SISI, Imphal.  
S. A. K. Chandhury, Addl. Secy  
on behalf of the  
Deputy Director, S.I. S. Imphal.  
for information.

✓

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI



In the matter of

O.A.No. 32 of 1995

Shri B.B.Bhattacharjee - Applicant

-Vs-

Union of India & Ors. - Respondents

AND

In the matter of

A compliance report

as per direction of the

Hon'ble Tribunal

dated 10-7-95.

The Respondents most respectfully  
sheweth :-

1. That in compliance of the Hon'ble Tribunal's order dated 10-7-95 in the above case, the respondents beg to state that vide letter No.A/20057/86/535 dated 4-7-95, the respondents have paid the salary to the applicant amounting to ₹ 7,788/- towards his salary.

A copy of the said letter is annexed hereto and marked as Annexure "A - I".

2. That the respondents beg to state that a letter was sent to the Section Officer(J) of the Hon'ble Tribunal informing that the salary was paid to the Applicant vide Cheque No.A/20.541881 dtd. 4-7-95.

Contd.... 2

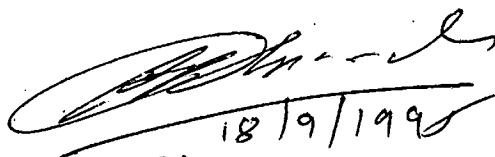
-: 2 :-

A copy of the said letter is annexed hereto and marked as Annexure- " A- 2".

3. That the respondents, therefore, pray that this compliance report may be accepted by the Hon'ble Tribunal and close the case finally.

V E R I F I C A T I O N

I, R.R.Deshpande, Dy.Director (Chem)  
S.I.S.I., Imphal, do hereby declare  
that the statements made in this  
petition are true to my knowledge.



रजिस्ट्रार (रस.)

Deputy Director (Chem)

राज्य सेवा सचिव

S I S I

इकाठ

Imphal.

A-1

12

4

4/20/97/PA/535-3P 2200000000

To

Shri S. S. Chakraborty,  
C/o Social Security Bhavan,  
Gurgaon,  
North India  
Pin-7 00000

Sir,

541891

Please find enclosed herewith cheque  
No. 4/20-97 dated 04/7/95 of Rs. 775 towards your  
salary payment from 1st April 1995 onwards. Kindly  
acknowledge the receipt.

Yours faithfully,

Sd/-

Enclosed as above.

( R.R. DESHPANDE )  
DY. DIRECTOR I/d

Copy to:-

- 1) Shri S. S. Chakraborty,  
By Director (Admn) (NG),  
C/o DC (SSI), Nirman Bhavan, New Delhi - for information  
alongwith a copy of O.A.No.32/95 dated 6/6/95 order  
issued by C.A.T., Guwahati Bench which was received  
by this office on 4/7/95. The above payment is made  
as per your letter N.
- 2) The Director, SISI, Agartala  
- for information alongwith a copy of O.A.No.32/95  
dated 6/6/95 of the C.A.T., Guwahati Bench.

2) File No. A/11023/91.

Attested  
*[Signature]*  
18/9/1995

*[Signature]*  
4/7/1995

( R.R. DESHPANDE )

*[Signature]*  
4/7/95

Deputy Director (Cic)  
SISI  
Imphal.

N/11023/91/531-34.

04/7/95

RECEIVED

To

The Section Officer (3),  
Central Administrative Tribunal,  
Guwahati Bench,  
Guwahati.

Sir,

Kindly refer your Memo No. 2478 dated 15/6/95 which was received by this office on 04/7/95. As per your order the salary payment to Sri S. B. Bhattacharjee is made by this office vide cheque No. A/20-5555 dated 04/7/95. Incidentally I am to inform that Sri S. B. Bhattacharjee is not attending the office after 28th May 1995.

3541881

Yours faithfully,

( R.R. DESHPANDE )  
BY, DIRECTOR (CIEM)  
FOR DIRECTOR

Copy to:-

- 1) Shri A.R. Choudhury,  
Central Govt. Standing Counsellor,  
Guwahati - for information.
- 2) The Director,  
SISI, Agartala  
- for information.
- 3) Shri O.A. Chakraborty,  
By Director (Admn) (NG),  
o/o DC (SSI), New Delhi - for information.

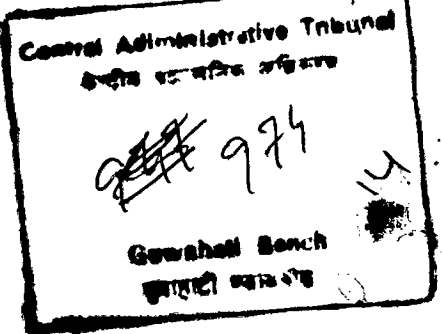
R/m

*Attested*

*18/9/1995*

( R.R. DESHPANDE )

Deputy Director (CIEM)  
SISI  
Imphal.



To,

The Section Officer(J)  
Central Administrative Tribunal,  
Guwahati Bench Bhangagart,  
Gauhati.

Sub:- Request to withdraw the case vide  
OA No.-32/95.

Sir,

Kindly refer to your Memo No. 1384 dated 29/3/95 on the aforesaid subject and to state that, although I am in service as per your order but no salary has been paid to me from 1.4.94 onwards. As a result, I am facing problem both financially and mentally. Hence, I have decided to withdraw the case. I am willing to be retire on 31.3.95 (A.N).

It is hereby requested to drop the case and you inform to my office at the earliest so that I will get my retirement benefits.

Yours faithfully  
Bibhuti Bhaga Bhattacharya  
(B.B. Bhattacharjee)  
S.W. Grade-I  
SISI, Imphal.

Copy to:-

1. The Dy. Director I/C SISI, Imphal.
2. Sri P.C. Das Advocate, "Sandhani"  
Thakurpalli Road, Krishnanagar  
Agartala- Pin-799001.
3. The Development Commissioner(SSI)  
New Delhi.

S.d.

( B.B. Bhattacharjee )

\*\*\*

तार : स्माल्लिन्द  
फोन : 220584, 223096

सद्य उद्योग सेवा संस्थान  
सद्य, कृषि एवं ग्रामीण उद्योग विभाग  
उद्योग मंत्रालय, भारत सरकार  
सी - 17/18 ताक्येलपात इन्डस्ट्रियल इस्टेट  
इम्फाल - 795001, मणिपुर



Gram : SMALLIND  
Phone : 220584, 223096

SMALL INDUSTRIES SERVICE INSTITUTE  
Deptt. of SSI, Agro & Rural Industries  
Ministry of Industry, Govt. of India  
C-17/18 Takyelpat Industrial Estate  
Imphal - 795001, Manipur

संख्या/No A/20057/86/49

SPEED POST

दिनांक/Dated, the 07/4/95

To  
The Deputy Registrar,  
Central Administrative Tribunal,  
Guwahati Bench,  
Rajgarh Road, Bhangagarh,  
Guwahati-781005.

Sub:- Orgn. Application No.32 of 1995/1100 dated 10/3/95  
in respect of Shri B.B. Bhattacharjee -vs-  
Union of India and Stay Order dated 27/3/95.

Sir,

Kindly refer the above mentioned notice dated 10/3/95 and Stay Order dated 27/3/95. I am to state that, in order to contest the application and to file the reply along with the necessary documents in support thereof the necessary documents are to be prepared and the necessary approval is required from the senior authorities i.e. O/o Development Commissioner (SSI), New Delhi. The local Central Govt. Counsellor of Imphal is out of station and we are approaching to file our application through the Counsellor through our local office located in Guwahati. We are submitting our details to Guwahati to your Bench through Counsellor at Guwahati shortly. Since Imphal is isolated area and communication is a problem, we, therefore, request you to kindly grant sanction of extension of 60 days ~~for filing~~ to contest the application made by Shri B.B. Bhattacharjee and to file our reply along with the documents.

Yours faithfully,

( R.R. DESHPANDE )  
DY. DIRECTOR (CHEM)  
FOR DIRECTOR

Central Administrative Tribunal

केन्द्रीय प्रशासनिक न्यायालय

Guwahati Bench  
गुवाहाटी बेंच

APPENDIX - A

FORMS

FORM-1.

Administrative Tribunal

অর্থনৈতিক আয়তন

133  
7 MAR 1995

Copy of the  
Form 1 of 1995

( See Rule - 1 )

OA 32/95

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL ACT, 1985

Title of the Case :

Shri B. B. Bhattacharjee ..... APPLICANT.

- Versus -

Union of India & others ..... RESPONDENTS.

I N D E X

Sl.No.	Description of documents relied upon :	Page Nos.
1.	Application	1 - 9
2.	Annexure - 1 Copy of the Reminders for the Representation of the Applicant dt. 19.12.94 to the Director of Small Industries Service Institute : Imphal -	10 - 10
3.	Annexure - 2 Copy of the Representation of the Applicant dt. 27.1.1995 to the Director of SISI : Imphal	11
4.	Annexure - 3 Copy of the Identify Card issued by the Director of SISI, Imphal	12
5.	Annexure - 4 Copy of decision of the CAT : Ernakulam Bench in Case No.O.A. 1427/92 dt. 28.12.92 -	13 - 15

Bibhuti Bhusan Bhattacharya  
Signature of Applicant.

FOR USE IN TRIBUNAL'S OFFICE

Date of Filing :

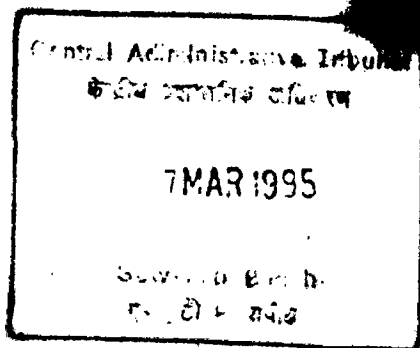
OR

Date of receipt by

Postal Registration :

Signature  
for REGISTRAR





Bidhai Bhattacharjee

By *[Signature]* 7/3/95  
C. D. B. /  
GUWAHATI  
17

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

O. A. NO. 32 OF 1995.

(An application under Section 19 of the Administrative Tribunal Act, 1985.)

B E T W E E N :

Shri B.B.Bhattacharjee ..... Applicant

A N D

1. Union of India -

-represented by-

The Secretary,

Ministry of Industry,

Government of India,

Nirman Bhavan - 7th Floor(South Wing),

New Delhi - 110011;

2. The Development Commissioner : (SSI),

Nirman Bhavan - 7th Floor(South Wing),

New Delhi - 110011;

3. The Director of Small Industries Service Institute,

Imphal, Takyelpat Industrial Estate,

Imphal - 795001.

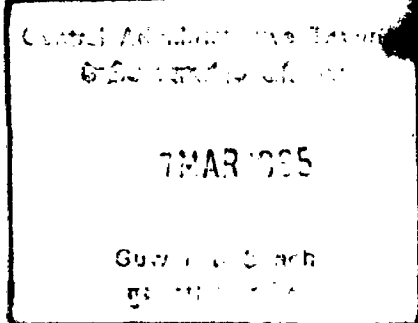
..... Respondents.

1. Particulars of the Applicant :

I. Name of the Applicant : B. B. Bhattacharjee

II. Name of father : Late Mahendra Kumar Bhattacharjee

III. Age of the Applicant : 57 years.



P. S. D. Bhattacharjee

18

IV. Designation and particulars of Office :

Skilled Worker in Grade-I in the Office of the Director of Small Industries Service Institute Imphal, Takyelpat Industrial Estate, Imphal - PIN 795001 : Manipur.

V. Office address :

Skilled Worker Grade-I, Office of the Director of Small Industries Service Institute, Imphal, Takyelpat Industrial Estate, Imphal - 795001, Manipur.

VI. Address for serving Notices :

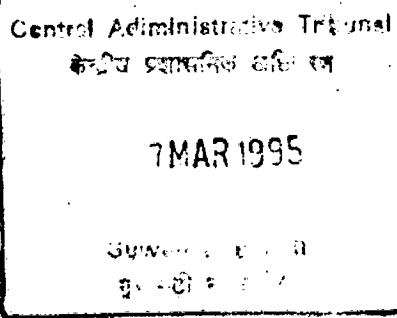
Shri B. B. Bhattacharjee  
SUJIT SMRITI BHAVAN  
Shakaibari (near Shakaibari J.B.School)  
P.O. & P.S. Dharmnagar,  
PIN - 799250  
District - North Tripura.

2. Particulars of the Respondents :

I. Name of the Respondents : (a). Union of India;

(b). Development Commissioner (SSI) : New Delhi;

(c). Director of Small Industries Service Institute, Imphal, Manipur.



Richa P. P. P.

19

II. Name of the Father : Does not arise.

III. Age of the Respondent: Does not arise.

IV. Designation & Particulars of Office (Name & station) in which employed : Director of Small Industries Service Institute, Imphal, Takyelpat Industrial Estate, Imphal - 795001, Manipur.

V. Office Address : (a) Union of India -  
-represented by-  
the Secretary,  
Ministry of Industry,  
Government of India,  
Nirman Bhavan - 7th Floor  
(South Wing)  
New Delhi - 110011;

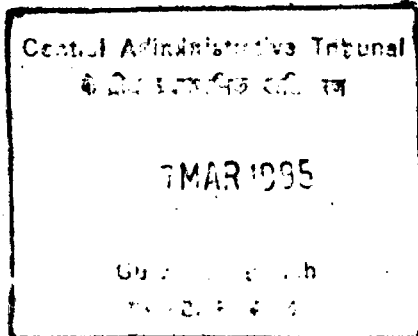
(b) The Development Commissioner (SSI),  
Nirman Bhavan - 7th Floor,  
(South Wing)  
New Delhi - 110011

(c) The Director of Small Industries  
Service Institute,  
Imphal,  
Takyelpat Industrial Estate,  
Imphal - 795001, Manipur.

VI. Address for service  
of Notices :

As above.

cont.....p/4



-: 4 :-

### 3. Particulars of the Order

against which the

application is made :

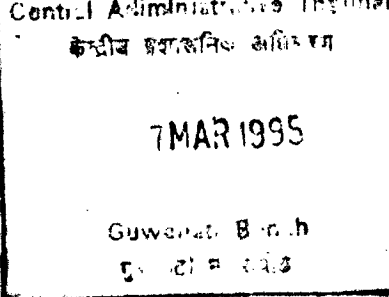
The applicant is a Skilled Worker Grade I and as such is due to retire on the last day of the month in which he attains the age of 60 years. The Applicant's date of birth being 18.3.1937, is due to retire on 18.3.1997.

In the last part of September, 1994 the applicant ~~having~~ learnt that the Respondents ignoring the provisions of F.R.56 were taking steps for retiring the applicant on the last day of the month of March of 1995 on attaining the age of 58 years and accordingly, the applicant submitted a representation on 27.9.94 to the Respondent No.3 requesting him to retire the applicant on his attaining the age of 60 years but without any reply. The Applicant thereafter submitted a reminder on 19.12.94 although without any reply.

Anx-1.

Anx-2.

The Applicant thereafter on 27.1.1995 submitted another representation requesting the Respondent No.3 to retire the Applicant on his attaining the age of 60 years but



-: 5 :-

Bibhuti Bhasin Bhattacharya

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of no effect. As the Respondent No.3 did not reply to the representations submitted by the applicant the applicant verily believes that the Respondents had rejected his representations and hence files this present application for a direction upon the Respondents to retire the applicant on the last day of the month of March, 1997 on his attaining the age of 60 years.

Anx-1

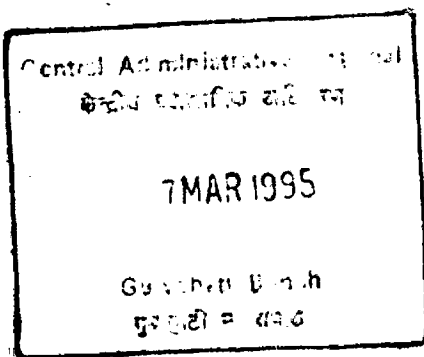
Anx-2

(Copies of the Reminder of the representation dated 19.12.94 and the Representation dated 27.1.95 are annexed and marked as Annexures 1 and 2 respectively).

4. Subject in brief :- The Applicant is a Skilled Worker in Grade-I attached to the Small Industries Service Institute. As he is a Skilled Worker, he is due to retire on the last day of the month in which he attains the age of 60 years in accordance with F.R.56(b), and for that reason, necessary direction upon the Respondents to retire the applicant on 31.3.1997 is prayed for.

5. Jurisdiction of the Tribunal : The Applicant declares that the subject matter of the petition and provisions of Rules against which he wants redressal is within the jurisdiction of the Tribunal.

cont....p/6



Prabhat Kumar Bhatnagar

22  
sketch  
P.D.  
ADVISOR

-: 6 :-

6. Limitation :-

The Applicant further declares that the application is within the limitation prescribed in Sec.21 of the Central Administrative Tribunal Act, 1985.

7. Facts of the

Case :

i). That, the Applicant is a citizen of India.

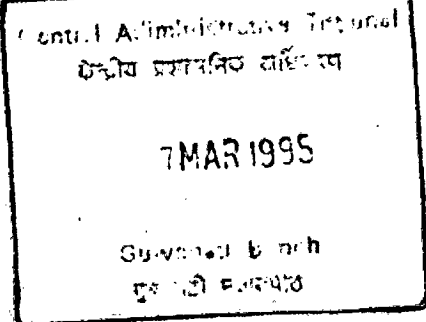
ii). That, the Applicant is a Skilled Worker in Grade-I in the Office of the Director of Small Industries Service Institute, Imphal at Takyelpat Industrial Estate, Imphal, PIN - 795 001, Manipur. The Applicant lost his appointment letter. The Identity Card No.25 issued by the Respondent No.3 indicates that he is the Skilled Worker Grade-I and his date of birth is 18-03-1937.

Anx - 3.

(A copy of the Identity Card is enclosed herewith and marked as Annexure - 3.)

iii). In accordance with the provisions of F.R.56(b), the Applicant being a Skilled Worker is due to retire on 31.03.1997 and on his attaining the age of 60 years

cont.....p/7



P. S. Bhat

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P. S. Bhat  
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years on 18.3.1997; but the Respondents are taking steps to retire the applicant on 18.03.1995 ignoring the provisions of F.R.56(b). The applicant prays leave of the Hon'ble Tribunal to refer to F.R.56(b) and the decision of the Central Administrative Tribunal, Ernakulam Bench in O.A.No.1427/92 on 18.12.1992.

Anx - 4

(A copy of the decision of the Central Administrative Tribunal, Ernakulam as mentioned above is enclosed and marked as Annexure - 4).

Anx - 4.

#### 8. Details remedies

exhausted :

Anx - 1.

Anx - 2.

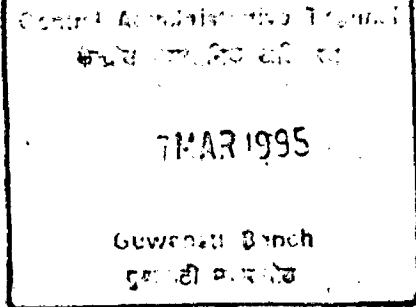
The Applicant submitted representation on 27.9.1994 followed by reminder dated 19.12.1994 and a fresh representation on 27.1.1995 to the Respondent No.3 but without any remedy or effect

(Copies annexed and marked Annexures - 1 and 2 respectively).

#### 9. Matters not previously filed or pending before any other Court:

The Applicant further declares that he did not previously file any application before any Court in respect of the matter in the present application and no such application, suit or Writ is pend-

-ing before any Bench of the Tribunal or Court.



-: 8 :-

Prithvi Bhusan Bhatia

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By *[Signature]* 17/3/95

(P.E.D.)

RECEIVED

10. Relief(s) sought : In view of the facts mentioned in the foregoing paragraphs, the applicant prays for the following reliefs :

(i). Direction upon the Respondents to retire the applicant on 31.3.1997(AN) on his attaining the age of 60 years on 18.3.1997.

(ii) Other relief(s) which the applicant entitled to under the Law and the equity.

(ii) Interim Order, if any, prayed for :  
Restrain the Respondents from retiring the Applicant on ~~31.3.1995~~ or till the disposal of the present application.

11. Particulars of Postal Order/

~~Bank Draft~~ in respect of application Fees :

I. Number of Indian Postal Order/

~~Bank Draft~~ : No.01 379335

II. Name of Issuing Post Office/

~~Bank~~ : Agartala

III. Date of issue of the Postal

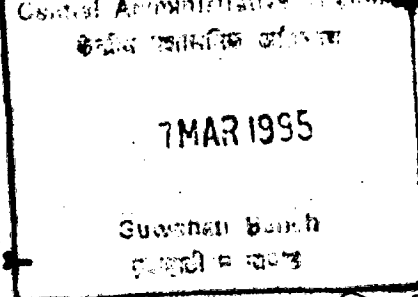
Order/~~Bank Draft~~ : 1/3/95

IV. Post office/~~Bank~~ at which payable :

Guwahati.

cont.....p/9





-: 9

12. List of the Enclosures :-

- (1) Copy of the Reminders for the Representation of the Applicant dated 19.12.1994 to the Director of Small Industries Service Institute, Imphal - (Annexure - 1).
  - (2) Copy of the Representation of the Applicant dated 27.1.1995 to the Director of Small Industries Service Institute, Imphal -(Annexure-2).
  - (3) Copy of the Identity Card issued by the Director of Small Industries Service Institute, Imphal - (Annexure-3).
  - (4) Copy of the decision of the Central Administrative Tribunal, ERNAKULAM in Case No. O.A.1427/92, dated 28.12.1992 - (Annexure - 4)
  - (5) Indian Postal Order of Rs.50/-
  - (6) Vakalatnama.
- V E R I F I C A T I O N

I, Shri B.B.Bhattacharjee, son of late Mahendra Kumar Bhattacharjee, aged 57 years, resident of "SUJIT SMRITI BHAVAN", Shakaibari(near Sakaibari J.B.School), P.S.Dharmanagar, North Tripura District, do hereby verify that the contents of paragraphs 1 to 7(ii) are true to my personal knowledge and belief and the rest of the foregoing application are my humble submission and prayer and that I have not suppressed any material fact.

Dated : Agartala, 7.3.1995  
the 7.3.1995 March, 1995.

Bilhuti Bohan Bhattacharjee  
Signature of Applicant.

.....

The Director,  
Small Industries Service Institute,

~~Smiphel~~ Smiphel, Takyal pat

Sub: Regarding age of retirement in respect of skilled workers.

Ref: <sup>1</sup>Judgement of the Hon'ble C.A.T. Ernakulam  
Bench in case No.1427/92 dated 28.12.92.

**2. Judgement of the Hon'ble C.A.T. Patna Bench in case No.374/94 dated 19.8.1994.**

Sir,

Kindly refer to my application dated 27.10.94 on the subject cited above. In this connection, I am to request you to take necessary action at an early date as because my date of retirement is very nearer.

Action taken in this regard may kindly be intimated to me.

Thanking you,

Yours faithfully,

Bilal Bhusan Bhattacharya

Skilled Worker  
SISI, ~~REDA~~ *Superior*

Date - 19-12-94

Attested  
[Signature]  
 7. 3. 95  
 O. C. Das  
 [Stamp]

— 11 —

ANNEXURE 2  
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To

The Director,  
S.I.S.I., Imphal.  
Takyelpat.

Subject:- Permission of retirement at the age of  
sixty under FR 56 B.

Ref :- Judgement of the Hon'ble C.A.T. Ernakulam  
Bench in case no. 374/94 dated 19-8-1994.

Sir,

With profound sence of respect I beg to invite your  
kind attention to my application dated 19-12-94 and the  
above cited subject and to request you kindly allow me  
to retain at the age of sixty under F.R. 56 B as well as  
judgement of the above C.A.T.(S). Your most immediate  
action in this matter is cordially requested as my retire-  
ment date is on 31-3-1995 on the age of 58 years so as  
to enable me to go to C.A.T. with in two monthstime.

Dated/Imphal.

The 27th Jan., '95.

Yours faithfully,

*B. B. Chattacharjee*

*Sw. grade I*

( B.B. CHATTACHARJEE )  
Skill Worker,  
Grade - I,  
S.I.S.I., Imphal.


*Attested*

*[Signature]*  
7.3.95

(P. G. Das)  
ATTORNEY

...

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 **IDENTITY CARD**


No 25


Name : **BB. Bhattacharjee.**


Designation **Sk-Worker-Gr-I**

Date of birth : **18-03-37.**

Identification mark : **2 mole on R. fore arm.**

Signature of Holder  Director

  
GOVT. OF INDIA  
Ministry of Industry  
Small Industries Service Institute  
Shed No. : C-17/18  
Takyelpat Industrial Estate  
IMPHAL MANIPUR  
Telephone No 20584/23096

  
7.3.95  
(D. C. Das)  
ASSOCIATE

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM Bench

O. A. No. 1427/92  
XXXXXX

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DATE OF DECISION 23.12.92

P.K.Krishnan-Kutty and seven others. Applicant (s)

Mr.Thampuran-Thomas Advocate for the Applicant (s)  
Versus

The Union of India, represented by the Secretary to Government,  
Department of Industries, New Delhi and six others.

Mr.M.V.Paulose, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P.MUKERJI, VICE CHAIRMAN

The Hon'ble Mr. A.V.HARIDASAN, JUDICIAL MEMBER

JUDGEMENT

(Hon'ble Shri S.P.Mukerji, Vice Chairman)

In this application the seven applicants are working as Skilled Worker Grade I and Grade II in the Central Workshop, Small Industries Service Institute and in the Extension Centres under the Development Commissioner, Small Scale Industries of the Government of India. The 8th applicant is the Association of Central Government Production Centre Employees. The claim of the applicants is that as Skilled Workers they are entitled to be retained in service till they attain the age of 60 years in accordance with the note below FR 56(b). They have relied upon the judgment of this Bench of the Tribunal dated 23.5.1990 in O.A.770/89 at Annexure-A, that of the Bangalore Bench of the Tribunal dated 2.1.1991 at Annexure-B and another judgment of this Bench of the Tribunal dated 17.9.1991 (Annexure-C) in that connection. Their representations for similar relief have been

Attested

7.3.95  
(D. G. Das,  
ADVOCATE)

Inconsequential. They have argued that the Workshop and Production Centres under the respondents are Industrial establishments and they fall within the definition of 'workmen' referred to in the note below F.R 56(b). They have prayed that the respondents be directed to permit the applicants 1 to 7 and others similarly situated Skilled workers to be continued in service upto 60 years of age.

2. In spite of a number of opportunities given to the respondents they did not file any reply to the O.A. Accordingly the application was heard when the learned counsel for both the parties were present. The learned counsel for the respondents have no serious objection to the application being disposed of on the basis of the aforesaid three judgments at Annexures A, B & C.

F.R 56(b) and the note thereunder read as follows:-

(b) A workman who is governed by these rules shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years.

NOTE : In this clause, a workman means a highly skilled, skilled, semi-skilled, or unskilled artisan employed on a monthly rate of pay in an industrial or work-charged establishment."

In the judgment dated 23.5.1990 by this very Bench of the Tribunal in O.A.770/89 (Annexure-A) we decided that the Skilled workers in the Production Centres at Ettimnoor under the Development Commissioner, Small Scale Industries, Govt. of India fall within the definition of 'workmen' and the age of retirement for such a worker is 60 years. The Bangalore Bench of the Tribunal in its judgment dated 21.1.1991 in O.A.779/90 at Annexure-B also decided that the Skilled worker Gr.I in the Small Industries Service Institute which is an Industrial unit is also entitled to retire at the age of 60 years under F.R 56(b). In the judgment of the Ernakulam Bench of the Tribunal dated 17.9.1991 (Annexure-C) in O.A.544/91, the Skilled workers working in the Extension Centre under the same respondents as before us were also declared to be entitled to retire at the age of 60 years.

(S.P. Mukerji)  
Vice Chairman

33  
Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMN)

Memo No. :

Date :

Copy for information & necessary action to :

- (1) Shri B.B. Bhattacharjee, Skilled Worker in Grade-I, O/O. the Director of Small Industries Service Institute, Imphal, Takyelpat Industrial Estate, Imphal, Manipur, PIN - 795 001.
- (2) The Secretary, Ministry of Industry, Govt. of India, Nirman Bhavan, 7th Floor (South Wing), New Delhi - 110 011.
- (3) The Development Commissioner, (SSI), Nirman Bhavan, 7th Floor (South Wing), New Delhi - 110 011.
- (4) The Director, Small Industries Service Institute, Imphal, Takyelpat Industrial Estate, Imphal - 795 001.

SECTION OFFICER (J)



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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: GUWAHATI - 5

O.A. 32/95

Sri B.B. Bhattacharjee ... Applicant  
-VS-  
Union of India & Ors. ... Respondents

P R E S E N T

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI, VICE CHAIRMAN  
THE HON'BLE SHRI G. L. SANGLYINE, MEMBER (ADMN).

For the Applicant ... Mr. S. Roy,  
Mr. P.C. Das.  
  
For the Respondents ... Mr. A.K. Choudhury,  
Addl. C.G.S.C.