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Central Administrative Tribunal  
Principal Bench

C.P. No.84/2004 In  
O.A. No.36/2003

New Delhi this the 27th day of May, 2004

Hon'ble Shri V.K. Majotra, Vice Chairman (A)  
Hon'ble Shri Kuldip Singh, Member (J)

Jagdish Prasad,  
R/o H.No. RZ-4/211, West Sagarpur,  
New Delhi.

-Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

Col.Shri K.S.Khelawat,  
Chairman,  
Managing Committee Canteens,  
HQ P.H. & H.P.(I) Sub Area,  
Ambala Cantt.133001.

-Respondent

(By Advocate: Shri Ravinder Chatrath)

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Vice Chairman (A)

Heard.

2.. OA-36/2003 was decided on 29.10.2003 with  
the following directions:-

"Since this notification has been issued during the pendency of the present application, we direct respondent No.2 to consider the subsequent event and also the claim of the applicant and decide the same preferably within two months of the receipt of the certified copy of the present order. OA is disposed of".

3.. Learned counsel of the applicant stated that rules relating to terms and conditions of service of civilian employees of unit run canteens paid out of non public funds, were issued on 28.4.2003 prescribing age of retirement as 60 years. While the respondents did not allow the applicant to continue in service

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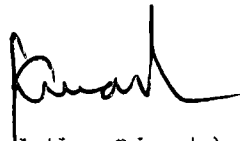
till attainment of the age of 60 years, applicant has been retired on 6.4.2002 when he attained the age of 58 years only. Learned counsel stated that the aforesaid rules had become effective w.e.f. 4.1.2001. The clarification dated 12.6.2003 also endorses the contention of the learned counsel.

4. On the other hand learned counsel of respondents drew our attention to the reply made on behalf of respondents that Union of India has filed a Review Application No. 01/2004 before the Hon'ble Supreme Court regarding the date of superannuation of these employees. While the same has not yet been decided, the applicant has attained the age of 58 years and retired. He further referred to Annexure R-3 dated 15.7.2003 stating that respondents have made a proposal for implementation of the age of superannuation from the date of issue of Revised Rules, i.e., 28.4.2003. Clearly, no policy decision or revision of the rules regarding postponing the age of superannuation has yet been taken by the respondents. In view of the clarification dated 12.6.2003 applicant should have been allowed to continue till the age of 60 years as per the extant revised rules, which were to have their effect from 4.1.2001. Consequently, respondents have not followed their own instructions and in this manner disobeyed the directions of this court. However, there is no deliberate and contumacious disobedience. Respondents, are directed to give all benefits to the applicant as he would have continued in service till attainment of the age of 60

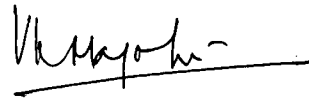
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years, however, they may accord these benefits on submitting an indemnity bond. This action may be effected by the respondents within a period of one month from today.

Issue Dasti.

  
(Kuldip Singh)  
Member (J)

cc.

  
(V.K. Majotra)  
Vice Chairman (A)

27.5.04