

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 1401 of 2016**

C.P.Gandhi, aged about 73 years, S/o Late Shri T.R.Gandhi, P. No. 10612,  
Ex. Deputy General Manager (Incharge) Bhilai, Refractories Plant, Bharat  
Refractories Limited, Maroda, Tahsil and District Durg, (Chhattisgarh)  
R/o Plot No. 40/46 Street 13, Pragati Nagar Risali Bhilai, Tahsil and District  
Durg, Chattisgarh.

**---- Petitioner****Versus**

1. Union of India, Through Secretary, Ministry of Steel Udyog Bhawan, New Delhi.
2. Bharat Refractories Limited, Through Chairman-cum-Managing Director, Bokaro Steel City (Jharkhand State).
3. Chairman, Board of Directors, Bharat Refractories Limited, Bokaro Steel City (Jharkhand).

**--- Respondents**


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| For Petitioner     | : Shri V.G.Tamaskar, Advocate.           |
| For Respondent/UoI | : Shri R.K.Kesharwani, Standing Counsel. |

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**Hon'ble Shri Navin Sinha, Chief Justice**  
**Hon'ble Shri P. Sam Koshy, J.**

**Order on Board****Per Navin Sinha, Chief Justice****04/05/2016**

1. The present application assails order dated 11.3.2016 passed by the Central Administrative Tribunal, Jabalpur Bench, Circuit Sitting, Bilaspur, rejecting Transfer Application No. 67 of 2013 assailing roll-back of the age for superannuation from 60 to 58 years.
2. Learned Counsel for the Petitioner submits that earlier the age for superannuation was enhanced in 1998 from 58 to 60 with Cabinet approval. A specific defence had been taken before the Tribunal that the roll-back of the age for superannuation dated 9.1.2001 was issued under the signature of the Under Secretary, only and there was no approval by the Cabinet. It has not been considered by the Tribunal that if Cabinet approval was necessary and it was not

taken, the order legally never comes into effect.

3. Learned Counsel for the Respondents pointed out that the Petitioner has superannuated at the age of 58 years way back on 28.2.2001. The roll-back in the age of superannuation was necessitated and approved for sick Public Sector Undertakings.

4. We have considered the submissions on behalf of the parties.

5. The Tribunal at paragraph 2 has noticed a letter dated 9.1.2001 of the Ministry of Steel, Government of India issuing a clarification to the Chairman-cum-Managing Director, Bokaro Steel Plant with regard to roll-back of age for superannuation from 58 to 60 years of Bharat Refractories Limited where the Petitioner was working. It specifically mentions approval of the Government for roll-back of the age for superannuation and calls for a confirmatory report of compliance. The submission that Cabinet approval was not taken is belied from the recitals in the order that it was being issued after the approval of the Government which inherently reflects Cabinet approval.

6. The writ application lacks merit and is dismissed.

Sd/-  
(Navin Sinha)  
**CHIEF JUSTICE**

Sd/-  
(P. Sam Koshy)  
**JUDGE**