

Chief Engineers Roads and Buildings, Hyderabad and Others

Vs

A. V. Arunachalam

Civil Appeal No. 3026 of 1991

(K. Jagannatha Shetty, V. Ramaswami – II, Yogeshwar Deyal JJ)

30.07.1991

ORDER

1. Special leave granted.

2. After hearing counsel on both sides it seems to us that the order of the Tribunal awarding pension to the petitioner/respondent cannot be sustained. The fact remains and indeed cannot be disputed that the respondent was reverted as Maistry on March 29, 1958 and he retired on June 30, 1959 as Maistry. The Tribunal, having noticed this aspect, has however observed that there is no reason for his reversion and he is entitled to pension as Attender. The reversion order was not the subject matter for consideration before the Tribunal.

3. In the result, the appeal is allowed, the order of the Tribunal is set aside. In the circumstances of the case, we make no order as to costs.

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