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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1532/2002

Monday, this the 1st day of July, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman  
Hon'ble Shri S.A.T. Rizvi, Member (A)

Aji Ram, s/o Shri Buray Singh  
R/O C/O Mona PCO, Rambagh Colony  
Gali No.5, Ramghat Road, Aligarh (UP)

...Applicant.

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through  
The General Manager  
Northern Railway, Baroda House,  
New Delhi
2. The Divisional Railway Manager  
Northern Railway, Muradabad Division  
Muradabad.

..Respondents

O R D E R (ORAL)

Shri S.A.T. Rizvi:

While working as Guard A Special, the applicant gave three months' notice (90 days) on 10.10.2000 seeking voluntary retirement. At the time he gave the aforesaid notice, OA-2490/99 filed by the applicant against the order of his reversion passed by the respondents on 12.10.1999 was pending. However, the same was disposed of and by an order passed on 13.12.2000, the respondents' order reverting the applicant was quashed and set aside, with liberty to the respondents to serve a show cause notice on applicant before the matter regarding his reversion was considered further. Meanwhile, since a decision on his notice for voluntary retirement had been delayed, the applicant filed OA-663/2001 which was decided on 28.9.2001 giving a month's time to the respondents to take a decision on the reversion of the applicant. No such decision has been taken by the

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(3)

respondents and no notice, as contemplated in the Tribunal's order dated 13.12.2000, has been issued. However, by an order passed on 15.11.2001 (A-1), the applicant's notice seeking voluntary retirement has been accepted provisionally and, on that basis, pension has been granted to him on a provisional basis stipulating a further condition that the respondents will have the right to revise the applicant's pension downward depending on the outcome of a case pending in the Court. The order conveyed to the applicant by the aforesaid letter of 15.11.2001 reads as under:-

"Decision to revert the party as per orders of CAT within a month can not be taken as the subject itself is subjudice. Party may be informed about this fact and his voluntary retirement can therefore be accepted provisionally with provisional pension, and administration thereby reserving the rights to revise his pension downwards should in another case pending before court, the decision is taken to revert him w.e.f. a particular date."

2. In pursuance of the aforesaid order passed by the respondents, the applicant has started receiving provisional pension and the amount of the GPF has also been paid. However, the amounts of gratuity and leave encashment are yet to be paid. Post retirement passes are also yet to be issued. Hence the present OA.


3. The learned counsel for the applicant has also drawn our attention to the order passed by this Tribunal on 28.9.2001 wherein it has been clearly laid down that if an order regarding reversion was not passed within one month, the applicant would be deemed to have retired on

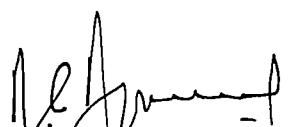
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7.1.2001. Despite this, the respondents have decided to retire him only provisionally. Thus, as contemplated in the Tribunal's order of 28.9.2001, payment of regular pension has not been made and the same is being paid on provisional basis.

4. Aggrieved as above, the applicant has filed a representation on 26.3.2002 (A-6) to which there has been no response so far. In the circumstances, we find it just, fair and in order to dispose of the present OA at this very stage even without issuing notices with a direction to the respondents to consider the aforesaid representation filed by the applicant and pass a reasoned and a speaking order thereon within a period of three months from the date of receipt of a copy of this order. We also direct the respondents to consider the present OA as an additional representation made on behalf of the applicant before passing the above order.

5. The present OA is disposed of in the aforestated terms at the admission stage itself.

  
(S.A.T. Rizvi)  
Member (A)

  
(Ashok Agarwal)  
Chairman

/sunil/