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Central Administrative Tribunal, Principal Bench

Original Application No.2028 of 2002

New Delhi, this the 2nd day of August, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. V.K. Majotra, Member (A)

Chokhey Ram s/o Shri Dhani Ram  
Ex-Assistant Cashier  
Delhi Milk Scheme  
Resident of 23C, D.D.A., L.I.G. Flats,  
Motia Khan, Paharganj,  
New Delhi-55

.... Applicant

(By Advocate: Shri K.K. Puri with Shri Surinder Singh)

Versus

Union of India, through:

1. The Secretary  
Department of Animal Husbandry & Dairying  
Ministry of Agriculture  
Krishi Bhawan, New Delhi
2. The General Manager  
Delhi Milk Scheme  
Govt. of India  
West Patel Nagar,  
New Delhi-8

.... Respondents

O R D E R (ORAL)

By Mr. V.K. Majotra, Member (A)

Heard the learned counsel.

2. Applicant has challenged Annexure A-1 dated 15.3.2001 whereby in exercise of powers under Rule 56 of F.Rs. and Rule 48 of the CCS (Pension) Rules, 1972, respondents have prematurely retired the applicant after attainment of age of 55 years. Learned counsel stated that applicant has been accorded benefit of Assured Career Progression Scheme only on 14.5.2001 and has been retired after a long period of attaining 55 years of age. He has been retired at the age of 58 years and 7 months. Learned counsel drew our attention to the consolidated instructions regarding premature retirement of Central Govt. servants

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contained in Appendix 10 of Swamy's Pension Compilation and particularly to time schedule for review. He stated that these instructions dated 5.1.78 read as follows:

"Time-schedule for review

In order to ensure that the review is undertaken regularly and in due time, Ministries/Departments are requested to maintain a suitable register (or registers) of employees under their control or who belong to cadres/services controlled by them, who are due to attain the age of 50/55 years or complete 30 years of service, as the case may be, and also to instruct their Attached and Subordinate Offices to take similar action. This register should be scrutinized at the beginning of every quarter by a senior officer in the Ministry/Department and in Attached and Subordinate Offices, and the review undertaken according to the following schedule:-

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Quarter in which review is to be made	Cases of employees who will be attaining the age of 50/55 years or will be completing 30 years of service or 30 years of service qualifying for pension, as the case may be, in the quarter indicated below to be reviewed
1. January to March	July to September of the same year.
2. April to June	October to December of the same year
3. July to September	January to March of the next year
4. October to December	April to June of the next year

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Ministry of Finance, etc., are requested to bring the contents of this Office Memorandum to the notice of all the officers concerned for their guidance and compliance.  
{G.I., M.H., Dept. of Per. & A.R., O.M.No.25013/14/77-Estt.(A) dated the 5th January, 1978.}"

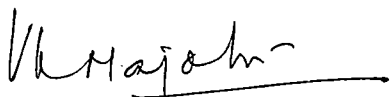
3. Learned counsel stated that applicant would have attained the age of superannuation on 31.8.2002 and

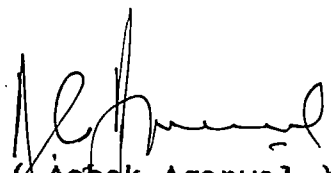
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under the time schedule for review of such cases, his case should have been reviewed by the committee latest by March, 1997. However the respondents have retired him on attainment of age of 58 years and 7 months i.e. on 15.3.2001 in an arbitrary fashion. He also stated that there has been nothing adverse in the ACRs of the applicant at attainment of 55 years of age.

4. Learned counsel also brought to our knowledge that applicant had made representation against the impugned order vide Annexure A-4 dated 24.3.2001, Annexure A-5 dated 18.5.2001 and Annexure A-6 dated 19.4.2001. However they have not elicited any response from the respondents.

5. Having regard to the claims made on behalf of the applicant, in our considered view, ends of justice will be duly met if at this stage and without issuing any notice to the respondents, they are directed to dispose of applicant's representation at Annexure A-4 dated 24.3.2001 by passing a detailed, speaking and reasoned order within a period of two months from the date of communication of these orders. Ordered accordingly. Respondents are further directed to treat this OA as a supplementary representation of the applicant. O.A. is disposed of in the above terms.

  
( V.K. Majotra )  
Member (A)

  
( Ashok Agarwal )  
Chairman

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