

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(6)

OA NO. 1062/2002

This the 4th day of September, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Vishwambher Singh
C-33, CRRI Colony,
Maharani Bagh,
New Delhi.
(By Advocate: Sh. Arun Bhardwaj)

Versus

The Director
Central Road Research Institute
New Delhi-20.
(By Advocate: Sh. Kapil Sharma)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

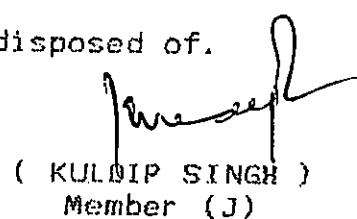
Applicant had a grievance that he has been issued a impugned order dated 26.3.2002 (Annexure A-1) vide which the respondents had informed that after having considered medical report and paralytic stroke, the Internal Committee is of the view and report of C.O.(Civil) have satisfied that applicant is not fit to perform the duties. Therefore, he was ordered to be retired under Medical Rules 1957 Rule(5) as made applicable to Council employees. However, simultaneously vide this very letter the applicant was also informed that if he has to say anything regarding this decision of Appointing Authority, he may say so with prima facie evidence within one month from the date of issue of this OM otherwise he shall be deemed to have retired.

2. Respondents submits that in response to this applicant had made a representation which is still under active consideration of the respondents. In view of these facts, it is clear that the respondents have not yet retired the applicant. It is also stated that applicant is attending the

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office and drawing his salary. But since the representation against the memo is still pending, department is directed to decide the same within a period of one month. So the OA can be partly allowed. Respondents are directed to decide the representation of the applicant within a period of one month from the date of receipt of a copy of this order. In case respondents take a decision, still to retire the applicant then they shall give 2 weeks notice so that applicant may approach the Court, if advised as per law. While considering the representation the judgments annexed with the OA particularly Baljeet Singh vs. DTC, Annexure A-4 to the OA is reported in 83 (2000) Delhi Law Times 286 shall also be taken into consideration. OA stands disposed of.



(KULDIP SINGH)
Member (J)

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