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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.3476/2001

Wednesday, this the 2nd day of January, 2002

Hon'ble Shri S.A.T. Rizvi, Member (A)

Shri Jagan Nath,
S/o Shri Dalu Ram,
Ex. Junior Engineer (C&W),
Under C.D.O.
Northern Railway,
Rewari

..Applicant

(By Advocate: Shri B.S. Mainee)

Versus

Union of India : Through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi
2. The Divisional Railway Manager,
Northern Railway,
Bikaner (Rajasthan)
3. The Divisional Personnel Officer,
Northern Railway,
Bikaner (Rajasthan)

..Respondents

O R D E R (ORAL)

Applicant, who was appointed as Safaiwala on 11.9.1964, was successively promoted until he became a Junior Engineer (JE) in the pay grade of Rs.5000-8000/-. The post of JE is a supervisory post, and an appointment thereto can be made only by an officer in the Junior Administrative Grade. The aforesaid promotion to the rank of JE came his way as lately as in 1997/98. Throughout his career in the Railways, the applicant has never been served a memo or a warning nor any adverse entry made in his ACR. No action for imposition of a minor or a major penalty has ever been taken against him. His service record is, therefore, clean and without any blemish. The fact that he secured a number of promotions

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during his career would show that his performance has been satisfactory throughout. The further fact that he was promoted as late as in 1997/98 would go to show that he continued to perform satisfactorily till 1997/98. In the circumstances, there could be no justification for terminating the applicant's service by way of premature retirement, the order in respect of which was passed on 22.1.2001 (A-1).

2. The learned counsel appearing on behalf of the applicant submits that ^{only that a} person can be retired prematurely under the rules relied upon by the respondents who can be termed as ^a dead wood and no longer useful as a public servant. Similarly, according to him, persons with doubtful integrity can also be retired prematurely in accordance with the same rules. Physical disability and/or indulgence in anti-national activity could be some of the other grounds on the basis of which premature retirement could be resorted to. The applicant does not suffer from any of the aforesaid disabilities. On the other hand, his satisfactory performance over the years has earned for him a promotion to a supervisory post as late as in 1997/98. There could be no justification, therefore, for sending the applicant out by retiring him prematurely. The impugned order dated 22.1.2001 (A-1) is, therefore, ^{and} bad as having been passed without proper application of mind ^{on} a standard format. Inasmuch as the impugned order does not specify any reason, the same can be termed arbitrary as well. ²

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3. The impugned order gave the applicant three weeks' time for filing a representation before the General Manager (P), Northern Railway. Accordingly the applicant filed his appeal well in time on 2.2.2001 (A-6) followed by further appeals filed on 20.3.2001 and 4.7.2001. None of these has been replied to so far.

4. I have considered the submissions made by the learned counsel carefully and find that the ends of justice will be duly met in the present OA by disposing it of at this very stage even without issuing notices with a direction to the respondents to consider the aforesaid appeals filed by the applicant and pass a reasoned and a speaking order expeditiously and in any event within a period of two months from the date of receipt of a copy of this order. I direct accordingly. The respondents are further directed to have regard to the pleas raised on behalf of the applicant in the present OA as also the observations made in this order before passing the order as above.

5. The OA is disposed of in the aforestated terms.

SATel Rizvi

(S.A.T. RIZVI)
Member(A)

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