

Central Administrative Tribunal
Principal Bench

O.A. No. 2411 of 1998

New Delhi, dated this the 25 February, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. KULDIP SINGH, MEMBER (J)

Shri Hari Kishore,
S/o Shri Barkha Ram,
R/o V&P.O. Pehladpur (Bangar),
Delhi-110042. .. Applicant

(By Advocate: Shri Sant Lal)

Versus

1. Union of India through
the Secretary,
Ministry of Communication, Dept. of Posts,
Dak Bhawan, New Delhi-110001.
2. Chief Postmaster General, Delhi Circle,
Meghdoot Bhawan, New Delhi-110001.
3. The Chief Postmaster,
Indraprastha Head Post Office,
New Delhi-110002. .. Respondents

(By Advocate: Shri A.K. Bhardwaj)

ORDER

HON'BLE MR. S.R. ADIGE

Applicant impugns respondents' order dated 16.10.98 issued under endorsement dated 2.11.98 (Annexure-A-1) and seeks grant of all consequential benefits including full pay and allowances for the period 20.6.97 to 19.5.98 and for consideration for promotion as if the order of premature retirement which stood revoked had not been passed, and applicant had continued in service.

2. Applicant was compulsorily retired under FR 56 J(ii) vide order dated 19.6.97 (Annexure-A-3). That order was subsequently revoked by order dated 19.5.98 (Annexure-A2) and applicant rejoined duty.
3. A perusal of the notings at pages 6-7/N of relevant File No.135-15/97 - SPB-II dealing with applicant's representation against his premature retirement reveals that the order of

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premature retirement was revoked because of serious procedural lapses which were noticed, so much so that the order of premature retirement itself was held to be ab initio void. In this connection, it was *inter alia* specifically noticed that while the rules provided that Govt. employees whose integrity was doubtful could be compulsorily retired, in applicant's case, successive reporting officers had certified applicant's integrity as beyond doubt in his CRs, and even the punishments awarded to him, copies of which had been placed on his dossier did not infringe adversely on his integrity.

4. In this view of the matter it is clear that applicant's premature retirement was not justified and under the circumstance applicant would be entitled to have the intervening period from 20.6.97 to 19.5.98 treated as duty for all purposes including pay and allowances under the proviso to FR 56(J)(i).

5. The OA therefore succeeds and is allowed. Respondents should release applicant's pay and allowances for the period 20.6.97 to 19.5.98 less what has already been paid to him and in case any of his juniors have been promoted, consider applicant also for promotion from that date, as if the order of premature retirement had not been passed. These directions should be implemented as expeditiously as possible and preferably within 3 months from the date of receipt of a copy of this order. No costs.

Kuldeep Singh
(KULDIP SINGH)
MEMBER(J)

Anil Agarwal
(S.R. ADIGE)
VICE CHAIRMAN(A).