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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI.

O.A.No.1286/94

New Delhi: 13th September, 1994.

HON'BLE MR. S.R. ADIGE , MEMBER(A)

Padam Singh,  
s/o Shri Mohan Singh,  
Tea Vendor P.No.1143,

R/389,  
Jawalapuri,

New Delhi

.....Applicant.

By Advocate Shri K.B.S.Rajan.

Versus

1. Union of India through  
The Secretary,  
Ministry of Defence,  
South Block,  
New Delhi 110 011.

2. The Commandant,  
Ordnance Depot,  
Shakurbasti,  
Delhi-110 056.

3. The Local Audit Officer,  
Office of the CDA,  
C/o Ordnance Depot,  
Delhi 110056

.....Respondents.

By Advocate Shri V.S.R.Krishna for respondent No.1.  
Shri H.K.Gangwani for Respondent No.2.

JUDGMENT(ORAL)

In this application, Shri Padam Singh, Tea Vendor in the Workers Canteen at Ordnance Depot, Shakurbasti has prayed that the order dated 10.6.94(Annexure-A1) directing him to show cause why he should not be superannuated from service, be set aside and his actual date of birth be held to be 4.3.35 on which basis he would be deemed to retire on 31.8.95.

2. It appears that the applicant was to retire from service w.e.f. 11.5.94 against which he filed O.A.No.830/94. By judgment dated 30.5.94, after hearing both the parties, the Tribunal struck down the order dated 14.2.94

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retiring the applicant w.e.f. <sup>for</sup> 31.5.94 on the ground that the principle of natural justice <sup>has</sup> not been observed while disposing of the applicant's claim that his date of birth was not 1.8.30 as recorded in Canteen Register but was actually 4.8.35.

3. In the background of the said Tribunal's judgment dated 30.5.94, the respondents have issued an impugned notice dated 10.6.94 (Annexure-A1), calling upon the applicant to show cause why he should not be superannuated from service forthwith, against which the applicant had submitted his representation on 16.6.94. Both the parties concede that the representation has not yet been disposed of.

4. Under the circumstances, this application is disposed of without entering into the merits of the case at this stage, with a direction to the respondents to dispose of the applicant's representation by means of a speaking and reasoned order, within a period of two months from the date of receipt of a copy of the judgment. In the event, the respondents reject the applicant's representation, they should specify clearly in their order that it will take effect from 14 days after the date of issue of the order, so that in the event that any grievance of the applicant still survives, he is given the opportunity to challenge that

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order in the Tribunal through a fresh O.A.,  
if so advised, in accordance with law.  
No costs.

*S.R. Adige*  
(S.R. ADIGE)  
MEMBER (A)

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