

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 1501/2000

New Delhi, this the 12th day of September, 2000

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. GOVINDAN S. TAMPI, -MEMBER (A)

In the matter of:

Bhagwan Dass Kalra
324, Sector-4,
Urban Estate, Gurgaon

...Applicant

(By Advocate Sh. D.K.Sammi)

VS.

UNION OF INDIA, THROUGH

1. General Manager,
Northern Railways,
Baroda House,
New Delhi - 110 001
2. Divisional Railway Manager,
Northern Railways, Bikaner Division
D.R.M. Office,
Bikaner (Rajasthan)
3. ~~General~~ Divisional Personnel Officer,
Northern Railways, Bikaner Division
D.R.M. Office,
Bikaner (Rajasthan).



.....Respondents

(By Advocate Sh. R.L.Dhawan)

ORDER (ORAL)

By Mr. Govindan s. Tampi,

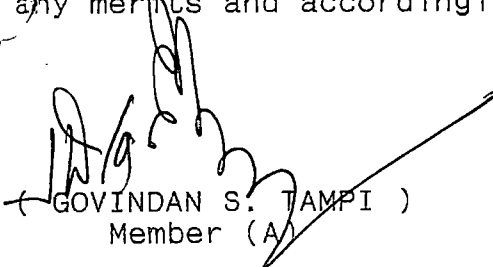
In this application the applicant who was a Head Travelling Ticket Examiner has impugned the order No.E-370/Review/BKN/Comm dated 15-6-2000 passed by the Divisional Personnel Officer, Northern Railway, Bikaner, compulsorily retiring him from Service, under Rules 1802 (a) & 1803 of IREC Vol.II and para 620 of Manual of Railway Pension Rules 1950. The challenge is on two grounds. First is that the authority who passed the impugned order was not competent to do so. The second contention made is that applicant has been having 'Very Good' ACRs all the while and, therefore,

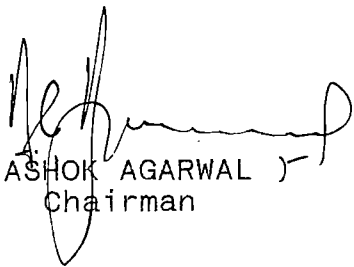
 
could not have been retired.

2. We have heard the rival contentions canvassed by the counsel and have also perused the relevant records.

3. We have considered the matter. The first objection that the person who has passed the order was not the competent authority is not correct. The appointing authority in respect of the applicant was Divisional Personnel Officer. The retiring order is also passed by the Divisional Personnel Officer, who as the appointing and disciplinary authority was competent to do so. With regard to the plea made about his suitability and performance appraisal, we have carefully perused the minutes of the Review Committee which on scrutiny of his entire service records and Confidential Reports of last 5 years have held that the applicant has outlived his utility for retention in service having become inefficient and ineffective. The Review Committee accordingly recommended compulsory retirement of the applicant under the rules. On the basis of the records placed before us, we are convinced that Review Committee has taken the correct decision. The same cannot be assailed.

4. In the result, we find this application to be devoid of any merits and accordingly dismiss it. No order on costs.


(GOVINDAN S. TAMPI)
Member (A)


(ASHOK AGARWAL)
Chairman

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