

(b)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

OA NO. 1520/2000

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:

Udho Dass Sammi  
140, Loco Shed Railway Quarters,  
Kishanganj,  
Delhi - 110006

....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. Sr. Divisional Personnel Officer,  
Northern Railways, Bikaner Division  
D.R.M. Office,  
Bikaner (Rajasthan).

.....Respondents

(By Advocate Sh. R.L.Dhawan)

ORDER (ORAL)

By Mr. Justice Ashok Agarwal,

An order of compulsory retirement issued against the applicant on 6.7.2000 at Annexure 'A' is impugned in the present OA.

2. We have heard the learned counsel for the parties. We have also perused the record made available by Sh. R.L.Dhawan, learned counsel appearing for the respondents.

Ref




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3. The impugned order, we find has been issued when only a period of 9 months remained before the applicant was due for retirement on superannuation. Applicant could well have been considered for compulsory retirement on his completing 30 years of service or on his attaining 55 years of age. This has not been done. He has not accordingly been considered 4 years back but has been considered when only a period of 9 months remained for his retirement on superannuation. As far as his ACRs are concerned, we find that he has been rated as 'Average' in the years 1995 and 1996 'Very Good' in 1997, and 'Good' in 1998 and 1999. If one has regard to the aforesaid ACRs he has been continued in the face of 'Average' ratings when he could have been considered for compulsory retirement in 1995-96, but he has been compulsarily retired in the face of 'Very Good' rating for 1997 and 'Good' ratings for 1998 and 1999. Moreover, as per the minutes of the DPC one of the criteria followed for compulsory retirement of a Railway servant is as follows:-

"No Railway servant, ordinarily be retired on ground of ineffectiveness if in any event he/she would be retiring on superannuation within a period of one year from the date of consideration of his/her case."

4. As far as punishments and penalties which have been imposed on the applicant are concerned, they relate for the period of 1997 when he has been rated as 'Very Good'.

5. In our judgment, if one has regard to the aforestated facts as also the service record of the applicant, the impugned order of compulsory retirement issued at this belated stage cannot be sustained. The same is, accordingly, quashed and set aside. Present OA is allowed. No order as to costs.

  
( GOVINDAN S. TAMPI )  
Member (A)

  
( ASHOK AGARWAL )  
Chairman

'sd'