

(8)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

O.A.No.132 of 1988

Date of Decision: 8.7.93.

B.N.Chakravorty

.....Petitioner.

Versus

U nion of India & others Respondents.

For the respondents: Shri P.H.Ramchandani, Counsel with
Shri J.C.Madan-Counsel.

CORAM:

Hon'ble Mr.Justice V.S.Malimath, Chairman.

Hon'ble Mr.S.R.Adige, Member(A)

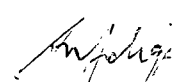
JUDGMENT(ORAL)

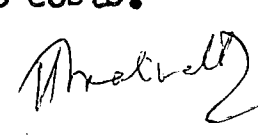
(By Hon'ble Mr.Justice V.S.Malimath)

None appeared for the petitioner. As it is a very old matter, we heard the learned counsel for the respondents and examined the records pertaining to compulsory retirement of the petitioner from service.

2. The petitioner was retired in public interest vide order dated 6.2.87(Annexure-A1) by the competent authority having formed opinion that it is necessary to do so in the public interest in exercise of powers conferred by Para 2(2) of Section 1 of Railway Ministry (Railway Board)'s letter No.E.48/CPC/208 dated 8.7.50 as amended under Board's letter No.F(E)III/69/PN-1/15 dated 27.8.69. The petitioner had completed 30 years of service qualifying for pension as on 31.12.86. The eligibility condition for exercising the power of retirement under the aforesaid provisions is that duly satisfied. The complaint in this case is that the decision taken is vitiated as it is not based on any relevant material and the competent authority has not applied its mind to the relevant material before taking the decision. On the last occasion when this matter came up before us, though none appeared for the petitioner, we thought that for proper exercise of our jurisdiction, it is necessary for us to examine the entire records including the confidential record of the petitioner to

satisfy ourselves that the case of the petitioner has been dealt with in a just and reasonable manner consistent with the well recognized principles. The counsel for the respondents made available the relevant records which we have carefully perused. We find from the records that the case of the petitioner was examined by a Committee of competent Officers appointed for that purpose who after review of the confidential records of the petitioner have recorded a finding to the effect that it is in public interest to compulsorily retire the petitioner from service. The said decision was reviewed by the Committee constituted for that purpose. The petitioner's appeal was also examined and dealt with by the competent authority. Thus, we find that the case of the petitioner did receive consideration at least on three occasions. We have also perused the confidential records to satisfy ourselves that the opinion formed for compulsorily retiring the petitioner in public interest is supported by proper material. We find from the confidential records, particularly for the recent years clearly indicate that there were adverse remarks against the petitioner particularly in regard to his attendance and punctuality. We are satisfied from the material on records that subjective satisfaction of the authority is based on material. It is also not possible to take the view that the opinion formed is manifestly unreasonable or arbitrary. The petitioner did have a qualifying service for action being taken for compulsory retirement. We, therefore, see no good ground to interfere with the same. Accordingly, this application is dismissed. No costs.


(S.R. ADIGE)
MEMBER(A)


(V.S. MALIMATH)
CHAIRMAN.