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DATE OF DECISION 5. 7. 1990

Shri Balaram Petitioner

Shri R.L. Dhaswan Advocate for the Petitioner(s)

Versus

<u>Union of India & Ops.</u>	Respondent
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Advocate for the Respondent(s)

The Hon'ble Mr. T. S. Gherai, Member(3)

The Hon'ble Mr. I. K. Rasgotra, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *yes*
2. To be referred to the Reporter or not ? *NO*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *NO*

(JUDGEMENT)

(Judgment delivered by Hon'ble. Shri T.S. Oberoi)


The applicant, who was employed as Safaiwala, in the office of respondent No.2, has filed the present O.A., under Section 19 of the Administrative Tribunals Act, 1965, with the grievance that he was compulsorily retired, without any

justifiable reasons, under F.R.56(K), and has prayed for his reinstatement, on the job, he was holding, before his compulsory retirement.

2. We have heard Shri B.S. Mainee, learned counsel for the applicant, and have also perused the contents of the application, together with the documents, filed thereunder.

3. On perusal of the relevant documents, filed alongwith the application, it is noticed that the applicant was compulsorily retired, on 24.3.1990 (afternoon), vide order enclosed as annexure A-3 to the present OA, against which, he had filed an appeal on 27.3.1990 before the Hon'ble Minister of Railways. We are informed by the learned counsel for the applicant that no decision has been conveyed, on the appeal, so filed by the applicant. After carefully considering the whole matter, we order that though the appeal filed by the applicant is not a statutory appeal, as per provisions of Rules, but, keeping in view that the applicant was a low-paid employee, his appeal earlier filed to the Hon'ble Minister (Annexure A-4 to the OA), be treated as the one filed, under the statutory Rules, condoning, if necessary, the delay in filing the said appeal. We also direct the respondents to take a decision on the said appeal within three months from the receipt of a copy of this order. Needless to say that in case the applicant still remains aggrieved by the decision taken on his appeal, he will be at liberty to come before the Tribunal in due course. The OA is disposed of at this very stage with the above directions.


(I.K. RASGOTRA)
MEMBER(A)

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(T.S. OBEROI)
MEMBER(J)