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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No.2222/90

New Delhi this the 10th Day of March, 1995.

Hon'ble Mr. J.P. Sharma, Member(J)
Hon'ble Mr. B.K. Singh, Member(A)

Shri V.K. Kaul,
S/o Sh. G.L. Kaul,
R/o 23-B, Pandav Nagar,
DDA Flats, Near Shadipur Depot,
New Delhi-110008.

Applicant

(through Sh. B.B. Raval, advocate)

versus

1. Union of India,
through Cabinet Secretary,
Government of India,
Rashtrapati Bhawan,
New Delhi-11.
2. Secretary,
Cabinet Secretariat,
Research & Analysis Wing,
8-B, South Block,
New Delhi-11.
3. Secretary,
Ministry of External Affairs,
Government of India,
South Block,
New Delhi-11.

Respondents

(through Sh. M. Chandershekharan, Addl.Solicitor
General with Sh. M.K. Gupta, advocate)

ORDER(ORAL)

delivered by Hon'ble Mr. J.P. Sharma, Member(J)

The applicant initially joined as Stenographer in the year 1969 and got due promotion in his career upto the level of Senior Personal Assistant. The applicant while working in Cabinet Secretariat was posted to Ministry of External Affairs and as such he joined the Indian Embassy in Tehran. While he was serving in Tehran, certain unpalatable incidents occurred which resulted in passing of an order dated 25.4.1990 under Rule 135 of R&AW (RC&S) Rules, 1975 compulsorily retiring the applicant.

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After making certain representations, the applicant filed this application in October, 1990 and he prayed for the quashing of the aforesaid order or passing any other suitable order as deemed fit in the facts and circumstances of the case.

On notice the respondents contested this application and filed a reply denying various averments made by the applicant in the O.A. and also placed the extract of Rule 135 as annexure to the aforesaid reply. The applicant has also filed rejoinder making further submissions and highlighting the fact which led to the passing of the order impugned in this case.

We heard Sh. Raval, learned counsel for the applicant on an earlier occasion also and today also the applicant is represented by Shri Raval and the respondents are represented by Sh. M. Chandersekharan, Addl. Solicitor General with Sh. M.K. Gupta, advocate.

The learned counsel for the applicant made a statement at the Bar that the applicant shall be satisfied if the Tribunal makes an observation, which in any circumstances will not be de hors the pleadings of the respondents that inspite of the impugned order the patriotism of the applicant and affection towards his mother land should not be doubted and be not inferred in the impugned order dated 25.4.1990. The learned Addl.Solicitor General and Sh. M.K. Gupta did not oppose the aforesaid contention of the learned counsel


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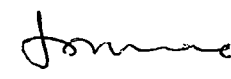
for the applicant. We also do feel that the impugned order was passed in certain circumstances which primarily concerned the spouse of the applicant.

In view of the above, we dispose of the application maintaining the impugned order dated 25.4.1990 and that by virtue of this order patriotism of the applicant or his affection towards mother land shall not be doubted.

With these observations, the O.A. is disposed of finally.

No costs.


(B.K. Singh)
Member(A)


(J.P. Sharma)
Member(J)

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