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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 57 of 1991

Dated New Delhi, 3rd day of January, 1995

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

Shri Hoshiar Singh
R/o Rly. Qtr. No. 184/12
Kishanganj
DELHI.

... Applicant

By Advocate: None

Versus

Union of India through

1. General Manager
Northern Railway
Baroda House
NEW DELHI.

2. Divisional Railway Manager
Northern Railway
Pahar Ganj
NEW DELHI.

3. Divisional Operating Supdt. (M)
D.R.M. Office
Northern Railway
Pahar Ganj
NEW DELHI.

... Respondents

By Advocate: None

ORDER
(Oral)

Shri J. P. Sharma, M(J)

The grievance of the applicant has been that he has been wrongfully medically retired by the impugned order dated 7.11.89. The contention of the applicant is that he was born in February, 1935 and he would be completing 58 in years of age /February, 1993. This fact was denied by the

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respondents in their reply stating that the applicant's date of birth according to his service record is 8.10.33 and not February, 1935 as stated by the applicant. The applicant absented at a stretch for more than 90 days and not without having been medically declared fit he could/have been allowed to join. He was sent to Medical Officer vide officer letter dated 15.2.89, but the applicant never reported back office.

2. The applicant has prayed for the grant of the relief that if his date of retirement is held to be correct then he should be considered for alternative benefit by providing alternative job or giving employment to the son of the applicant on compassionate ground.

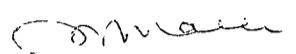
3. We have gone through the pleadings of the parties. None appears for the parties. Shri Umesh Mishra who represented the applicant, has since expired. Registry should have issued a notice to the applicant that the council representing the applicant is no more. Shri Mahesh Srivastava, however, appeared and he prays that the case be adjourned on ground that the same is coming for the first time. He has not filed any Power. We could have directed the Registry to issue notice to the applicant, but the hurdle before us is that the home address of the applicant is not indicated and the office address is given. By any acceptance of his date of birth

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he should have superannuated.

4. In view of this, we dismiss this application in default of the applicant.


(B. K. Singh)
Member(A)


(J. P. Sharma)
Member(J)

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