

Central Administrative Tribunal
Principal Bench: New Delhi

11
O.A. 2150/92

New Delhi this the 20th day of October 1997

Hon'ble Shri S.R. Adige, Vice-Chairman (A)
Hon'ble Dr. A. Vedavalli, Member (J)

Dr. Vijay Kumar Rastogi,
C/O G.K. Aggarwal,
G-82, Ashok Vihar-I,
Delhi-110052

.....Applicant
(By Advocate: Shri G.K. Aggarwal)

Versus

Union of India through

1. The Secretary,
Department of Defence Research &
Development and Scientific Adviser to
Defence Minister and Director General
Defence Research Development,
South Block, New Delhi-110011
2. The Director,
Defence Research Development,
Establishment, Tansen Marg,
Gwalior-474002.

.....Respondents
(By Advocate: Shri P.H. Ramchandani)

ORDER (Oral)

By Hon'ble Shri S.R. Adige, Vice-Chairman (A)

Applicant impugns respondents' order dated
7.6.92 compulsorily retiring him in exercise of the
powers conferred under Article-459 of Civil Service
Regulations.

2. We have heard Shri G.K. Aggarwal counsel
for the applicant and Shri P.H. Ramchandani counsel for
the respondents. Shri Aggarwal has conceded that the
applicant has not ^{1. availed of the opportunity} ~~2. availed of the opportunity~~ available to him ^{1. against the impugned order} ~~2. against the impugned order~~ filing a representation to the Representation Committee
in accordance with the consolidated instructions

regarding pre-mature retirement of Central Government servants contained in DP&AR's OM dated 5.1.78 as amended from time to time.

3. Under the circumstances, with the consent of both parties, we dispose of this OA with a direction to the respondents ^{that} in the event ~~that~~ the applicant files a representation within 15 days from today, the respondents will consider the same in the light of the law laid down as well as the relevant rules and instructions, and thereafter dispose of the same, after giving the applicant a reasonable opportunity being heard in person, by means of a detailed speaking and reasoned order within two months from the date of receipt of a copy of the applicant's representation.

4. In the event that any grievance still survives it will be open to the applicant to agitate the matter through fresh appropriate proceedings in accordance with law and having regard to the fact that the applicant is already stated to be 55 years of age, in the event that such a fresh application is filed the same shall be taken up on priority basis.

5. In the circumstances MA 2312/97 is dismissed as not pressed.

6. The OA stands disposed of accordingly.
No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S. R. Adige
(S. R. Adige)
Vice-Chairman (A)

cc.