

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 impugnes 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 <sup>availed of the opportunity</sup> ~~availed of the opportunity~~ available to him <sup>of</sup> ~~to~~ filing a representation <sup>against the impugned order</sup> ~~to~~ the Representation Committee in accordance with the consolidated instructions

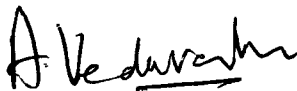
regarding pre-mature retirement of Central Government servants contained in DP&AR's OM dated 5.1.78 as amended from time to time.

3. Under the circumstances, with the consent of both parties, we dispose of this OA with a direction to the respondents <sup>that</sup> 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.



(Dr. A. Vedavalli)  
Member (J)

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

cc.