

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI.

O.A.No.324 of 1992

Date of Decision: ~~12-12-92~~  
09-07-93

Bhopal Singh .....Petitioner

Versus

Union of India & others .....Respondents.

CORAM:

Hon'ble Mr.Justice S.K.Dhaon,Vice Chairman.

Hon'ble Mr.S.R.Adige,Member (A)

For the applicant: Shri Shanker Rāju, counsel.

For the respondents: Shri B.R.Prasher,Counsel.

JUDGMENT

(By Hon'ble Mr.S.R.Adige,Member(A).)

The grievance of the applicant ASI(Driver) Bhopal Singh is against <sup>his</sup> compulsory retirement w.e.f. 10.2.92 on medical grounds, when he, under normal circumstances, would have retired after attaining the age of superannuation in May 1993<sup>th</sup>

2.. We have heard Shri Shanker Raju-learned counsel for the applicant and Shri B.R.Prasher-learned counsel for the respondents and have perused the material on record.

3. It appears that the applicant was appointed as a Constable w.e.f. 1.10.53 in Delhi Police and was promoted as ASI (BVR-Driver) on 1.1.84. During annual medical examination of Drivers, he was declared colour blind and was thus declared unfit by the Medical Superintendent-cum-Medico Expert, Civil Hospital, Rajpur Road, Delhi on 31.8.89. A Medical Review Board of J.N.J.P.Hospital also came to the same conclusion vide letter dated 2.12.91. Meanwhile it appears, ~~that~~ <sup>but</sup> ~~however~~, his requestion for adjustment against another post was examined and rejected, ~~and~~ <sup>but</sup> the applicant was



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detailed to do other duties. On 9.1.92, he was informed vide Notice at Annexure-B to the O.A. that he would be deemed to be retired from service on expiry of the period of one month from the date of communication of that order. He was allowed to submit, if he so desired, within the period of one month, a request to be examined by the Medical Review Board supported by prima facie evidence that good ground existed for doing so. However, the applicant did not file any application to the Medical Review Board within the stipulated period and as such he was invalidated out of service vide Office Order dated 10.2.92.

4. No infirmity has been brought to our notice in the action taken by the respondents and under the circumstances the prayer for quashing the order of retirement cannot be acceded <sup>to</sup> in any case. Even, under normal circumstances, the applicant would have retired in May, 1993 and Shri Raju has admitted at the Bar that the applicant has been sanctioned all the retirement benefits.

5. Shri Raju has, however, made a request at the Bar that the applicant should not be charged penal rent for his over-stay in the Government quarter that was allotted to him. Admittedly, this is a <sup>hard</sup> ~~hard~~-case and in the interest of justice and equity, it is only fair that the applicant is not subjected to the payment of penal rent for the period of over-stay in the Government quarter <sup>as in his occupation.</sup> subject to the condition that the applicant vacates the said quarter within one month from the date of issue of this order.

6. With these directions, this application is disposed of. No costs.

*S.R. Adige*  
(S.R. ADIGE)  
MEMBER(A)

*S.K. Dharon*  
(S.K. DHARON)  
VICE CHAIRMAN (J)