

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BE.

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Registration T.A.No.1802 of 1987
(W.P. No. 3601 of 1985)

Gulzari Lal Applic

Versus

Union of India
and others Responde

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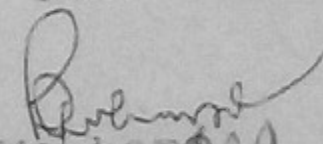
Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

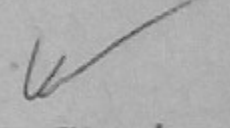
(By Hon. Mr. Justice U.C. Srivastava,

The applicant was appointed as Fitter Khalasi in the year 1948 in the Railways and he was retired from service on 17.11.1983 on the ground that he has attained the age of superannuation on 13.11. According to the applicant his wrong date of birth was taken and he was retired prematurely on 16.8.1983. The applicant preferred appeal against the same which was allowed by the Divisional Railway Manager vide its order dated 27.6.1984 by setting aside the order dated 3.5.1983 and the applicant was reinstated back in service and thereafter after taking the age of superannuation, he retired from service. In the meantime, it appears that various retiral benefits were given to the applicant. In compliance of the direction given by the appellate authority, the applicant prayed that he may be permitted to deposit half of the amount which were drawn by him after his premature retirement. But his request was not accepted and it was denied on the ground that unless he will deposit the said amount, he will not be deemed to be continuing

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in service. So far as the continuation ^{be} service is concerned, that will not be linked with the amount that was received by the applicant he attained the age of superannuation on the particular date and he will be deemed to be retired on that very date. As far as the deposit of the particular amount is concerned, the applicant has stated that he has spent the said amount. As the applicant has retired on a subsequent date, it appears that the applicant may get more amount towards retiral benefits. Anyhow, if the amount has already been spent by the applicant, it will be open for the respondent to adjust the said amount from the benefit which the applicant is likely to get as the result of allowing his appeal by the General Manager and after adjustment, if something more remains against the applicant, the respondents can proceed against the applicant for recovering the said amount in accordance with law. Let this consideration be done within a period of three months from the date of receipt of the certified copy of this order. No order as to the Costs.


Member A


Vice-Chairman

Dated: 23.3.1993
(n. u.)