

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

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

Gulzari Lal Applic
versus

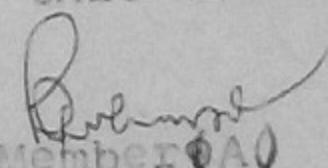
Union of India
and others Responde

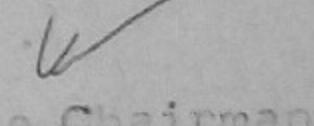
Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

(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 retirement 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

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 retirement 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 (AO)


Vice-Chairman

Dated: 23.3.1993

(n. u.)