

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Transfer Application No. 1840 of 1987

P.N. Tandon

.... Applicant

Versus

Union of India and Ors

.... Respondents

CORAM:

Hon. Mr. Justice U.C. Srivastava, V.C

Hon. Mr. K. Obayya, Member(A)

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

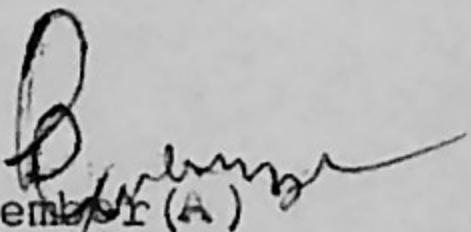
The applicant filed a Writ petition before the High court and by operation of law the same has been transferred to this Tribunal. The applicant attained the age of 55 years on 8.5.1984. The date of birth of the applicant is 8.5.1929, as such his due date of retirement will be 8.5.1987. He received the impugned notice of premature retirement on 26.2.1985. He was booking clerk at the time when he retired compulsorily. He made a request that he may be promoted to the post of Head/Clerk but his prayer was not acceded to, and while he was performing the duties of Head Booking Clerk in officiating capacity he was placed under suspension on 3.5.1983 due to some false complaint through some merchant and the said suspension was revoked on 10th July 1983 which

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was followed by a charge sheet dated 21.12.83. Since the issuance of the charge sheet the disciplinary authority came into play and an Enquiry Officer was appointed on 17.8.84. The said enquiry is still pending.

2. According to the applicant, he could not have been compulsorily retired. From the own pleadings and the documents filed by the applicant, it is revealed that the Railway Authority considered his case and found that he was not fit to be retained in service. It will further reveal from the impugned notice that the same has been passed in exercise of the powers conferred in clause (h) of Rule 2046 of the Indian Railways Establishment Code, Vol.II and the reason for such pre-mature retirement has been mentioned that the appointing authority is of the opinion that it is in the public interest to do so. As such the enquiry was not concluded by that time. It cannot be said that he could not have been retired ~~xxxxxxxxxxxxxx~~. With these observations, this application is dismissed.


Member (A)


Vice Chairman

Dated: 23rd Nov: 1992:

(Uv)