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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

O.A. No. 1120 of 1987

J.S. Kushwaha (deceased) substituted by his legal
representatives Smt. Urmila Devi & others.....

.....Applicants

Versus

Union of India & others Respondents

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

Hon'ble Mr. K. Obayya, A.M.

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

The applicant filed this application

challenging the orders dated 7.11.86 and 12.8.87.

During the pendency of this application, the applicant

J.S. Kushwaha died and in his place, his legal
representatives have been substituted and they are
pursuing the matter.

2. The applicant challenged the said orders
on the ground that the orders have been passed
without giving an opportunity to the applicant.
Even though, he had filed an appeal against the same
but that was not considered. According to him,
there were two adverse entries which were communica-
-ted to him in the year 1963 and 1983. So far as
entry of the year 1963, is concerned, no government
servant can be compulsorily retired in the year
1987 on the basis of that entry of 24 years' old.
The entry that has been given in the year 1983, was
due to the applicant having become patient of
paralysis. The applicant filed representation against
the same but that was rejected. Feeling aggrieved
with the same, he approached this tribunal.

3. The respondents have opposed this application and they have stated that the matter of the applicant was considered by the Review Committee and the Review Committee came to the conclusion that the applicant no longer should be retained in service, that is why he was compulsorily retired. The record was produced before us and from the ^{perusal of} character-roll we have found that the applicant was awarded major penalty for reduction of pay scale and secondly that he got a residential portion of the office-building allotted in his name instead of the office's name and he did not vacate the same inspite of the order to vacate the same. Taking into consideration the overall assessment, the Committee came to the conclusion that the applicant's retention in the service is no longer necessary and that is why the order was passed. In this connection, reference has been made to the case of "Baituntha Nath Dass Vs. Chief District Medical Officer, Baripada & another" J.T. 1992 (2) SC 1 wherein it has been held that the principles of natural justice in the matter of compulsory retirement are not attracted and the order of compulsory retirement is not vitiated merely because the uncommunicated remarks were taken into consideration. Further, it was said that only adverse remarks are communicated to the employee and not every remark, comment or observation made in confidential rolls, though it may be relevant for the purpose of F.R.56(j). The same position arises in this case. Taking into consideration the overall assessment, the respondents have rightly passed the order compulsorily retiring the applicant and they have not committed any error in the same, and we do not

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find any ground to interfere with the same.
Accordingly, the application deserves to be dismissed
and it is dismissed. No order as to costs.

R. W. Bergman
MEMBER (A)

Lee
VICE CHAIRMAN.

DATED: OCTOBER 14, 1992.

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