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CENTRAL ADMINISTRATIVE TRIBUNAL, ALIABAD BENCH.

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Registration O.A. No. 730 of 1988

Ishawar Sahai Srivastava Applicant.

Versus

The Union of India
and others Respondents.

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

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

The applicant who has attained the age of superannuation on 31.8.1978 was retired prematurely under para 2046 of the Railway Establishment Manual (analogous to fundamental rule 56). The applicant filed an appeal against the same. According to the applicant this was a result of excess committed during emergency. The matter was reviewed by the Railway Board and the Railway Board vide its order dated 19.2.1976 took a compassionate view and directed that the applicant be re-appointed at his old pay and grade at which he was retired. With the result, the applicant was allowed to continue upto the date of superannuation. In the meantime, the applicant was paid all the pensionary benefits. The contention on behalf of the applicant is that the applicant was shown in the seniority list at the same position which was being held by him, and as he continued to hold the office at the age of superannuation, the entire period should be treated towards service and he should be given pensionary benefits. According to the applicant, no order for reappointment was served to him and only he could learn from the counter affidavit along with which, the said order was filed. It may be that as such the order may not be communica-

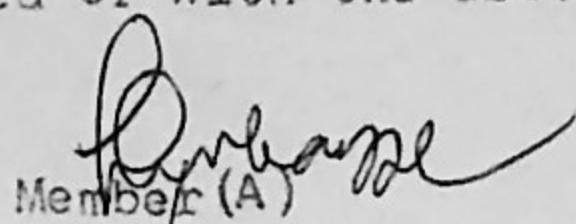
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ted to the applicant but it is difficult to accept that the applicant was not aware that under what conditions he was being appointed. As the applicant was allowed to continue upto the age of superannuation and he worked for 3 months may be on reappointment, which was not made after the attainment of the age of superannuation, the Railway Administration will consider as to whether the applicant is to be given any further benefit in view of working for three months in the same pay scale and grade. Let a decision in this behalf be taken within a period of 3 months from the date of communication of this order taking into consideration that the applicant's reappointment was a compassionate appointment and the compassion does not end there. The application is disposed of with the above terms. No order as to costs.


Member (A)
Vice-ChairmanDated: 14.8.1992

(n.u.)