

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 8TH DAY OF DECEMBER, 2000

Original Application No. 575 of 1994

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

Mahesh, Son of Badlu Ram, Resident of
Telipara, Basai, Post Office
Tajganj, District Agra

...Applicant

(By Adv: Shri A.K.Gaur)

Versus

1. Union of India,
Ministry of Human Resources
Development and Health Family
Welfare, New Delhi.
2. Chief Horticulturist,
Archaeological Survey of India,
Taj Mahal, Agra.
3. Deputy Superintending Horticulturist
Archaeological Survey of India,
Horticulture Division I,
Agra.

...Respondents

(By Adv: Ms.Sadhna Srivastava)

O R D E R (Oral)

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

The facts in short giving rise to this application are that father of the applicant Badlu Ram was serving as Gardner attendant in horticulture department. He gave application for premature retirement. The application was duly processed and matter was pending. However, Badlu Ram was convicted and sentenced by Addl. Munsif Magistrate Agra on 21.10.1986. As per provisions contained in CCS(CCA) Rules applicant was suspended. Before the matter seeking premature retirement could be finalised applicant attained the age of superannuation on 31.7.1994. Mahesh, S/o Badlu Ram has filed

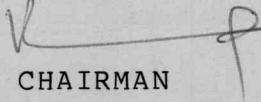
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this OA challenging order dated 23.2.1994(Annexure A7 to the application). By this order Badlu Ram was only intimated about his suspension on account of conviction and sentence by the order of Munsif Magistrate and further that as he has filed OA in this Tribunal, his claim for premature retirement shall be delayed for which only he will be responsible. No positive order has been passed effecting any service interest. In my opinion the relief sought is wholly misconceived and the OA is rejected.

Since the applicant's father has already retired after attaining the age of superannuation on 31.7.1994 there is no question of appointment on compassionate ground. The application has no merit and is rejected. No order as to costs.


VICE CHAIRMAN

Dated: 8.12.2000

Uv/