

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1154 of 1994

Allahabad this the 27th day of March, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)

1. Janki Prasad Bajpai, aged about 53 years, son of Late K.P. Bajpai, resident of 158-H, Gopal Nagar, Naubasta, Kanpur, formerly employed as Lower Division Clerk, Office of the Registrar of Companies, U.P. Kanpur.
2. Krishna Kumar Bajpai, aged about 28 years, son of Shri Janki Prasad Bajpai, resident of 158-H, Gopal Nagar, Naubasta, Kanpur.

Applicants

By Advocate Shri M.K. Upadhyay

Versus

1. Union of India through the Secretary, Department of Company Affairs, Ministry of Law & Company Affairs, Government of India, New Delhi.
2. The Regional Director (Northern Region), Department of Company Affairs, Northern Regional Office, Kanpur.
3. The Registrar of Companies, U.P., Kanpur.

Respondents

By Advocate Shri -----

Q R D E E (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Shri Janki Prasad Bajpai has come up
before

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before the Tribunal for direction to the respondents to treat the applicant as retired on medical ground on account of serious illness and inability to continue to serve and to deem it to be a case of retirement due to invalidity with entitlement to invalid pension and compassionate appointment to his dependent Shri Krishna Kumar Bajpai- applicant no.2.

2. As per applicant's case, Shri Janki Prasad Bajpai was employed as L.D.C. in the Office of Registrar of Companies, Kanpur w.e.f. 07.6.1973 and on his having sought retirement on medical ground due to inability to continue in service on account of illness, he was retired on 13.12.1993 ~~before~~ before attaining the age of superannuation i.e. 55 years. The applicant Janki Prasad Bajpai claims that he is entitled to all the benefits available to the employees who retired on medical ground on account of serious illness and inability, which includes appointment to his dependent on compassionate ground. The applicant also represented before the departmental authorities but no reply has been communicated to him and, therefore, Shri J.P. Bajpai has come up under section 19 of the Administrative Tribunals Act, for directions as mentioned above and appointment to his son Shri Krishna Kumar Bajpai on compassionate ground who has been arrayed as applicant no.2.

3. The respondents have contested the case and filed their counter-reply. It has been

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It has been mentioned by the respondents that Shri J.P. Bajpai-the applicant no.1 submitted his 3 months notice for his voluntary retirement from the government service under Fundamental rule 56(K)(1) on the ground of illness on 14.9.93 with the request that if possible the applicant's service in Military may be counted for pensionary benefits. After considering the facts of the case, Shri Janki Prasad Bajpai was allowed to retire voluntarily on expiry of notice period of 3 months and it is not a case of retirement on medical ground because at no point of time, the Doctors held that the applicant was incapable or not fit to serve the government. Being a simple case of voluntary retirement, the applicant is not entitled to claim the benefits of invalid pension or appointment of his dependent on compassionate ground.

4. Heard, the learned counsel for the applicant and perused the record. No one is representing the respondents for more than two years, therefore, the matter had to be decided on the basis of pleadings on record.

5. Learned counsel for the applicants has emphasised that application of the applicant, copy of which has been annexed as annexure A-7 to the O.A., is pending with the respondents and

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hasn't been decided. This application bears the complete facts of the matter.

6. Keeping in view the facts and circumstances of the case, I find it a fit matter to direct the respondents to decide the representation of the applicant, copy of which has been annexed as annexure, ~~A-7~~, to the O.A., within 6 months from the date of communication of this order by passing a detailed, reasoned and speaking order, which shall be communicated to the applicant. ^{of} The O.A. is disposed ~~accordingly~~ with the above observations. No order as to costs.

cc - m a
Member (Judicial)

/ M.M. /