

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Review Application No. 46 of 1999

In

Original Application No. 1230 of 1999

Allahabad this the 27th day of March 2000

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

Union of India and

Others Applicants

By Advocate Shri Prashant Mathur

Versus

Rejendra Prasad Respondent

By Advocate Shri S.K. Dey
Shri S.K. Mishra

O R D E R (Oral)

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

This is a review application filed by the respondents in the O.A., impugning the order of this Court dated 15.10.1999 in O.A. No.1230/99 with the mention that the order has been passed on the basis of wrong facts pleaded ^{the true facts} on behalf of applicant therein, and which could not be properly placed before the Court by the respondents as the order was passed without issuing notice to the respondents.

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2. Heard the learned counsel for the applicant (in review application) as well as counsel for the opposite party and perused the record in O.A. No. 1230/99.

3. The applicant therein namely Rajendra Prasad come up seeking the relief against transfer order dated 09.1.1998 and 18.8.1999. In that matter, the applicant laid much emphasis on the point that the applicant was going to retire on 31.12.1999 and he was being disturbed malafidely. A copy of order passed in earlier O.A. by the applicant regarding his transfer was also filed, in which there was clear mention that as per applicant's case, he was at the verge of retirement. That order was passed on 23.7.1999.

4. The impugned order was passed believing the averment of applicant that he was going to retire on 31.12.1999 i.e. within 2½ months from the date of ~~impugned~~ order. Subsequently it has been brought on record by the ~~applicant~~ / respondents that the applicant was not going to retire on 31.12.1999 but his superannuation falls in the year 2001. To explain his conduct, learned counsel for the applicant Shri Rajendra Prasad in O.A. No. 1230/99, has mentioned that the applicant was not in know of fact that the retirement age has been extended from 58 years to 60 for

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Central Government employees and also that the applicant had already moved for voluntary retirement on 24.12.1999 and, therefore, his contention that he was to retire on 31.12.1999 was correct.

5. It is too much to believe that a Central Government employee had no knowledge about change in rule, and thereby extension in age of retirement and moreover on 24.12.1999 it was not the applicant who sought voluntary retirement but it was an application from the side of his wife.

6. What the position may be, but it remains a fact that when the impugned order was passed the applicant was not going to attain the age of superannuation on 31.12.1999, which was the main reason for granting relief to the applicant, which is a mistake apparent, though because of misleading information furnished by the applicant.

7. Under the circumstances, the review application is allowed and the impugned order is set aside. *1130/98*
The concerned & A/ be liable for
case.

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Member (J)

M.M.