

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ; ALLAHABAD.

Original Application No.1451 of 2003.

Allahabad this the 28th day of November 2003.

Hon'ble Maj Gen K.K. Srivastava, Member-A.

Hon'ble Mr. A.K. Bhatnagar, Member-J.

Karam Deo
S/o Mahavir
R/o 1280 Manas Nagar Colony,
Mughalsarai, District Chandauli.

.....Applicant.

(By Advocates : Sri S.K. Dey/Sri S.K. Mishra)

Versus.

1. Union of India
through the General Manager
E.C. Rly. Hajipur Bihar.
2. The Divisional Railway Manager,
E.C. Rly. Mughalsarai
District Chandauli.
3. The Assistant Engineer (1)
E.C. Rly. Mughalsarai
District Chandauli.

.....Respondents.

(By Advocate : Sri K.P. Singh)

O R D E R

(By Hon'ble Maj Gen K.K. Srivastava, A.M)

In this O.A., filed under section 19 of Administrative Tribunals Act 1985, the applicant has challenged the order dated 26.08.2003 by which he has been intimated that he would superannuate on 30-11-2003.

2. Sri S.K. Dey learned counsel for the applicant submitted that the order dated 26.08.2003 suffers from manifest error of law because the applicant was earlier engaged as Casual Labour in the year 1972 and the perusal of Annexure A-1 clearly shows that the age of the applicant at initial/casual employment was approximately 24 years.



It appears that in column / i.e., date of birth, incorrect entry has been made showing the date of birth of the applicant as 26.11.1943. The learned counsel further submitted that if the date of birth of the applicant is 26.11.1943 he could not have been engaged as Casual Labour in 1972 because he would have then been 29 years and maximum age for employment is 25 years. Learned counsel also submitted that applicant has filed a representation before respondent No.2 which has not been decided and in absence of any decision the applicant would be superannuated illegally on 30.11.2003.

3. Resisting the claim of the applicant, the learned counsel for the respondents submitted that Annexure 1 filed with the O.A. pertains to the details of a person known as Karan Deo Singh whereas the name of the applicant is Karam Deo. Learned counsel for the respondents further submitted that there is no merit in the case and the O.A., is liable to be dismissed.

4. We have heard counsel for the parties and perused records.

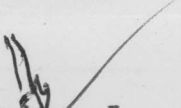
5. In our considered opinion, this O.A. is fit to be decided finally at the admission stage itself by passing appropriate orders.

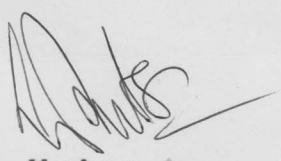
6. In the facts and circumstances, the O.A. is finally decided by direction to respondent No.2 to decide the representation of the applicant dated 15.10.2003 by a reasoned and speaking order within period of six weeks from the date of communication of this order. Since the applicant is to superannuate as per the respondents on 30.11.2003, we have provided only six weeks to respondent No.2 to decide the representation purely in the interest of justice. We also provide



that in case the respondent No.2 finds that the claim of the applicant is correct and he is to ~~be~~ retired on subsequent date, the intervening period from 01.12.2003^(01 Dec 2003) to the date of disposal of representation shall be regularised by granting admissible leave.

7. There shall be no order as to costs.


Member-J


Member-A.

Manish/-