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CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

Original Application No.99/2003
Date of Decision : this the 21st day of May, 2004

**Hon'ble Mr. G.R.Patwardhan,
Administrative Member**

.....
R.B.Saxena (Rajendra Baboo Saxena), Retired Office
Superintendent, Electrical Branch, Divisional Office, North-West
Railway, R/o House No. 669, Bhagat Ki Kothi,
Sarvodya Basti, Gajner Road, Bikaner (Rajasthan)

.....Applicant.

[By Mr. Bharat Singh, Advocate, for applicant]

Versus

1. Union of India through General Manager
North West Railway Headquarters,
Old Loco Colony Area, Jaipur.
2. Divisional Railway Manager,
North West Railway, Divisional Office,
Bikaner (Raj) 334 001.
3. Divisional Personnel Officer,
North West Railway, Divisional Office,
Bikaner (Raj) 334 001.

.....Respondents.

[By Mr. Manoj Bhandari, Advocate, for respondents]

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Order

[By the Court]

This is an application by Rajendra Baboo Saxena, who as
Office Superintendent, Electrical Branch, Divisional Office,
Northern Railway, Bikaner, was admittedly – compulsorily retired
by a letter of Divisional Railway Manager, Bikaner w.e.f.



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22.1.2003 (Annex.A/5). There are three respondents – Union of India through General Manager, North-West Railway, Head Quarters, Jaipur, Divisional Railway Manager, Bikaner and Divisional Personnel Officer, North West Railway, Bikaner.

2. No particular order is under challenge; in paragraph 8 of the application, under the head 'Reliefs', following are prayed for :-

- (a) Release of pension, D.C.R.G., Leave Encashment, Commuted Value of Pension on basis of retirement w.e.f. 31.1.2003 (D.O.B. being 1.2.1943).
- (b) Interest at bank rate of 18% p.a. on delayed payment of (a) above.
- (c) Any other relief.

3. Detailed reply has been filed by respondents which is on record. Learned advocates for both the parties have been heard.

4. The application reveals that the applicant whose date of birth is 1.2.1943 was at one time compulsorily retired w.e.f. 25.8.2000 having attained the age of 55 years and having put in 30 years of qualifying service (para 4.3 of application and Annex.A/2). He filed an O.A. on 6.11.2001 but while it was pending, the General Manager, Northern Railway, cancelled the above mentioned order and reinstated the applicant with full back wages. Thereafter, it is submitted, the applicant retired on attaining age of superannuation on 31.1.2003 because – the



Railways had issued a list of 11 employees of North-West Railway, who were to retire on 31.1.2003 – including the name of the applicant. This it is said – allowed him to retire – normally – and without stigma. In this background, he says; when this order indicating his date of superannuation is not rescinded or withdrawn, the applicant should be presumed to have retired at the age of superannuation on 31st January, 2003. It is also submitted that he has submitted an appeal against order dated 22.1.2003 relating to compulsory retirement which is pending.

5. The reply makes it clear that :

(a) The applicant has been compulsorily retired.
(b) The list of employees, referred to in para 4.8 is issued with the purpose of alerting individuals concerned to file their papers in time so that their retrial dues could be processed. Thus the applicant did, but in no way, it is said, that this letter is at variance with the order compulsorily retiring him w.e.f. 22.1.2003 since this was as a result of an enquiry and charge sheet.

(c) Retiral dues of the applicant could not be settled in time due to non-cooperation in that even when Welfare Inspector was sent to him to get the pension papers signed, he did not cooperate.

(d) Now payment of all retrial dues including D.C.R.G., C.G.I.S., Leave Encashment and Pension has been made.



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6. During arguments, the applicant did not controvert these statements but asserted that the payments have been made after lot of delay and so interest needs to be paid.

7. It appears that the order of compulsory retirement is under consideration in appeal. For the rest - i.e. payment of dues, the applicant has not unequivocally controverted the charge of non-cooperation. In that view of the matter, payment of interest is not warranted. The application, therefore, is without merit and is rejected. No order as to costs.




[G.R.Patwardhan]
Adm.Member

jrm

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Lead by
himself

Rego. D.D. copy folder
sent to Sh. Shazad info

Dir. Side No. 167 dt 4/6/04

Part II and III destroyed
in my presence on 24/10/13
under the supervision of
section officer () as per
order dated 18/10/13

J.K. Sharma
Section officer (Records) 24.10.2013