

In the Central Administrative Tribunal
Calcutta Bench

OA No.682/97

Present : Hon'ble Mr.B.P.Singh, Member(A)
Hon'ble Mr.Kuldip Singh, Member(J)

Iswar Prasad Shaw

-Vs-

Eastern Railway

For the applicant : Mr.B.Chatterjee
For the respondent : Ms K.Banerjee

Date of Order : 6-2-2002

ORDER

Mr.Kuldip Singh, Member(J) :

Heard the learned counsel for both the parties.

2. The applicant has filed the OA seeking the following relief :

(A) The applicant prays for a direction upon the Respondents to treat the applicant as having retired from 7-12-95 and pay him the Pension due from that date as he was illegally and forcibly made to continue in service till 31-1-97 (A/N) without his consent and forced leave was illegally inflicted upon him.

(B) A direction upon the respondents to pay the applicant his leave encashment dues treating him as retired from 7-12-95.

(C) a direction upon the Respondent No.2 to grant appointment to his son as per rules when he was declared medically unfit and such appointment is provided in the Rly Rules.

(D) a direction upon the Respondents to pay the salary for the period from 10-11-95 to 6-12-95, when he was under the CMS/ASN on requisition from him with G/37.

(E) That all these amounts are to be paid with interest as illegally withheld.

(F) All costs of this case and or any other relief as deemed fit."

3. The fact as alleged, the applicant was medically decategorised and he was not offered any alternative suitable job. So, he has asked for relief as stated above.

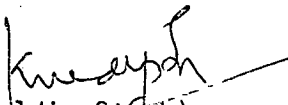
4. When the matter came up, the learned counsel for the applicant given up all the reliefs, except relief (C).

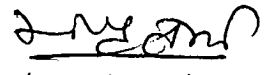
5. The learned counsel for the respondent contested the

application.

6. The learned counsel for the applicant submits that the applicant may be allowed to submit representation, since there are certain rules available under which his case can be considered.

7. We have considered the submissions made by the learned counsel for the applicant. The applicant is at liberty to submit representation within one month from today, which may be considered as per rules and judicial pronouncements ^{on the subject} within 3 months from the date of receipt of the order. The Department will pass necessary speaking order in this case. With this order the application is disposed of. No order as to costs.


(Kuldip Singh)
Member(J)


(B.P. Singh)
Member(A)