

CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH, LUCKNOW.

DATE : 13.11.2003

Review Petition No.50/2003

in

Original Application No.489/97.

Hon'ble Shri S.K.Agrawal, Member (A),  
Hon'ble Smt. Meera Chibber, Member (J).

R.C.Pal

v.

Union of India & Ors.

: ORDER ON REVIEW PETITION BY CIRCULATION :

{S.K.Agrawal, Member (A)}

The applicant has filed this Review Application against the Judgment dt. 11.9.2003 passed by us in O.A. No.489/97. It was concluded by us in the above Judgment that the applicant was not found fit for Government job by the Chief Medical Superintendent, District Hospital, Pratapgarh, as per the opinion delivered on 17.6.1996. Immediately after this opinion was given on the very next day the applicant submitted a letter to the respondent authorities for his discharge from service on medical grounds. The Medical Board agreed with the opinion of the Chief Medical Superintendent, Pratapgarh. Since the competent authority was required to consider this recommendation made by the Medical Board, it took roughly three months time before they could accept the recommendation and declare the applicant medically unfit for further government service.

2. The main plea of the applicant in the Review Petition is that his retirement date should be treated w.e.f. 4.7.1996 when the applicant was declared unfit for government service as per the recommendation of the Medical Board instead of from



...2.

30.10.1996 the date when he was actually conveyed about invalid retirement.

3. The above plea about change of the date of his retirement has been made by the applicant with <sup>an</sup> purpose. It is because, as per the existing rules if a government servant retires on medical grounds at least three years before the due date of superannuation, then his/her son or daughter may be considered for appointment on compassionate grounds in relaxation to other departmental rules. Since the actual retirement age of the applicant was 31.7.1999, in case, he is treated as compulsorily retired on medical grounds w.e.f. 3.7.1996 he would be left with clear three years period, wherein as per existing Railway Rules his son/daughter could have been considered for compassionate appointment in relaxation of other departmental rules. The applicant made request in writing in this regard to R-2 which was duly considered by the Respondents, but it was not found feasible to grant compassionate appointment to the applicant's son under relaxation of the normal Recruitment Rules.

4. The recommendation of the Telecom Divisional Engineer, Sultanpur dt. 4.7.1996 and the opinion of the Medical Board thereupon was not the final thing as their recommendations had to be considered by the Competent Authority and it was open to the Competent Authority to accept or not to accept the recommendation made by the Medical Board in respect of the applicant that he was not found fit to continue in the Government Service. The competent authority took roughly three months time to take a final decision in the matter and convey the decision about retirement of the applicant on medical grounds from 30.10.1996.

...3.

5. We have gone through our judgment dt. 11.9.2003 and the Review Petition filed by the applicant very carefully. Since we do not find any apparent mistake on the face of the record, the petition filed by the application is outside the purview of Review Petition. We also do not find any mistake in the date of retirement given to the applicant on medical grounds as 30.10.1996 when actually he was given the order from that effect. We could not have treated the date of retirement of the applicant from 4.7.1996 which was only the basis for the competent authority to make a decision in this regard.

6. In our view, therefore, we do not find any merit in the Review Petition, as there is no mistake apparent on the face of the records and the same is accordingly dismissed with no orders as to costs.



(MEERA CHIBBAR)  
MEMBER(J)



(S.K.AGRAWAL)  
MEMBER (A)

B.