

**Central Administrative Tribunal, Lucknow Bench,  
Lucknow**

**Original Application No. 375/2009**

This the 16th day of April, 2010

**Hon'ble Dr. A.K. Mishra, Member(A)**

Durga Datt Tiwari, Aged about adult, S/o Sri O.N. Tewari,  
R/o Village Rudapur, Post Kadipur, District Pratapgarh

.....Applicant

By Advocate: Sri Praveen Kumar

**Versus**

1. Union of India through The General Manager(P),  
Northern Railway, Baroda House, New Delhi.
2. DRM, N.R., Lucknow.
3. Sr. Section Engineer (Loco), Northern Railway,  
Pratapgarh.

.....Respondents

By Advocate: Sri C.B. Verma

**ORDER**

Heard both parties.

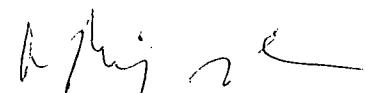
2. The learned counsel for the applicant submits that according to the instructions issued by the Divisional Railway Manager (Personnel) of Northern Railway, Lucknow in his letter dated 16.6.2008 (Annexure A-2) the application for voluntary retirement and appointment of the ward of an employee should have been received in the office of Assistant Personnel Officer (Mechanical) before 31.7.2008. From the admission made on behalf of Senior Divisional Personnel officer in the letter dated 22.6.2009 (Annexure A-

*b/n*

7), it is seen that the application in the appropriate proforma submitted by the applicant was received in the appropriate office before 31.7.2008.

3. However, as seen from the impugned order dated 26.5.2009 passed on behalf of General Manager (Personnel), it has been stated that his application was rejected on the ground that it was received in the office of respondent no.1 on 31.10.2008, although the last date for submission was fixed as 31.7.2008. His application was not considered on the ground of late submission/receipt of application. On the face of it, this order cannot be sustained in view of admission made on behalf of Senior Divisional Personnel Officer in his letter dated 22.6.2009 that the application concerned was received in the appropriate office on time.

4. In the circumstances, this Application is allowed and the order communicated in the letter dated 22.6.2009 on behalf of respondent no.1 is set-aside. The respondent no.1 is directed to reconsider the case of the applicant according to rules and pass a reasoned order within three months from the date of receipt of copy of this order. No costs.



(Dr. A.K. Mishra)  
Member-A