

(An)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALL INDIA BENCH, CALCUTTA

O.A. No. 91 of 1930.

P.N. Shukla ..... Applicant

Versus

Union of India & others ..... Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Chavva, A.M.

(By Hon'ble Mr. Justice U.C. Srivastava, V.C.)

The applicant was appointed on the post of Assistant Station Master on 13.6.98. Thereafter, he was promoted to the post of Station Master in the year 1932. After completion of 30 years of service, even though he had earned an award 'Accident Free', he was served with a copy of order dated 2.1.30 compulsorily retiring him from service even though he had still three years more for attaining the age of superannuation. The applicant has challenged the exercise of this power conferred vide Clause K of Rule 2046 of the Railway Establishment Code to retire compulsorily a railway servant from his service. According to the applicant, his representation has wrongly been rejected although there was nothing wrong on his part and he has wrongly been retired.

2.. The respondents have put in appearance and have pointed out that the applicant's case was taken into consideration and after review of the decision arrived at by the appropriate authority, a final decision was taken. It has been stated that even though he may have earned 'accident free' award but that was immaterial and he has been punished for about more than 30 times right from

23.3.61 and was given several censor entries in his service record and his increments were also withheld number of times temporarily as well as permanently.

It was always open to the employer to assess the merit of a particular candidate and general assessment of the applicant's record shows that in the public interest it was required that the applicant should not be retained any longer in service. No such ground has been pointed out which may result in saving the order of compulsory retirement of the applicant. Accordingly, we do not find any merit in the application and it is dismissed. No order as to costs.

  
MEMBER (A)

  
VICE CHAIRMAN.

DATED: JANUARY 7, 1993.

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