

(7)

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 723/87  
T.A No. -----

198

DATE OF DECISION 6-7-1992

Fakir Mohamad I Petitioner

None Advocate for the Petitioner(s)

Versus

Union of India and another Respondent

None Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. Justice S.K.Dhaon, Vice-Chairman

The Hon'ble ~~Mr~~ Ms. Usha Savara, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether in needs to be circulated to other Benches of the Tribunal ?

} No

MD

(S.K.DHAON)

(8)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.723/87

Fakir Mohamad I,  
402/2, Zawad Street,  
Navsari - 396 445  
Dist. Bulsar.

.. Applicant

vs.

1. Union of India  
through  
General Manager,  
Western Railway,  
Churchgate,  
Bombay - 400 020.

2. The Divisional Railway  
Manager,  
Western Railway,  
Bombay Central,  
Bombay - 400 008.

.. Respondents

Coram: Hon'ble Shri Justice S.K.Dhaon,  
Vice-Chairman.

Hon'ble Ms.Usha Savara, Member(A)

Appearances:

None for  
either side.

ORAL JUDGMENT: Date: 6-7-1992  
(Per S.K.Dhaon, Vice-Chairman)

By order dated 13-2-1986, the applicant was compulsorily retired from service. The said order is being impugned in the present application. In paragraph (iv)(a) of the application it is averred that the applicant joined the Western Railway service in September, 1951, he attained the age of 57 years and was to retire on 31-7-1987 at the age of 58 years. As already stated, the order of compulsory retirement was passed on 13-2-1986.

2. We have seen the impugned order. It is purported to have been passed under clause h(ii) of Rule 2046-R III para 2(2) of section I of Railway Ministry's letter

(9)

-: 2 :-

O.A.723/87

No.E/48,CPC/208 dated 8-7-50. We have seen the rule also. It provides that a railway servant, as the applicant, can be retired compulsorily after he has attained the age of 55 years. The applicant's own averments, referred to above, indicate that the impugned order was passed when he had crossed the age of 55 years. The order recites that the same was passed in public interest. In the counter affidavit it is averred that the applicant was considered to be a deadwood. On the face of it, we do not find any infirmity in the order. Therefore no ground exists for interference.

3. Neither the applicant is present nor his counsel. Even the counsel for the respondents is not present.

4. The application is rejected.

*Usha Savara*  
(USHA SAVARA) 6.7.92  
Member(A)

*S.K. Dhaon*  
(S.K.DHAON)  
Vice-Chairman

MD