

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

CAMP AT NAGPUR

Original Application No: 443/88

Transfer Application No:

DATE OF DECISION 9.11.1993

Shri M.B.Wahane. Petitioner

Shri S.B.Wahane. Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri R.P.Darda. Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,

The Hon'ble Shri N.K.Verma, 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 it needs to be circulated to other Benches of the Tribunal ?


(M.S.DESHPANDE)
VICE-CHAIRMAN.

(12)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

BOMBAY BENCH, CAMP AT NAGPUR.

Original Application No. 443/88.

Shri M.B.Wahane.

.... Applicant.

V/s.

Union of India & Ors.

.... Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,
Hon'ble Shri N.K.Verma, Member(A).

Appearances:-

Applicant by Shri S.B.Wahane.
Respondents by Shri R.P.Darda.

Oral Judgment:-

[Per Shri M.S.Deshpande, Vice-Chairman] Dt. 9.11.1993.

Heard Shri S.B.Wahane, counsel for the
applicant and Shri R.P.Darda, counsel for the
Respondents.

2. The applicant was appointed as a Checker in the Ordnance Factory, Jabalpur on 30.7.1964 and he got his first promotion as Godown Keeper on 1.6.1968 and came to be promoted as Supervisor on 22.5.1972. On 1.4.1980 he was promoted as Supervisor Gr. 'A'. On 24.8.1984 the applicant gave a notice to the respondents threatening self-immolation and he came to be arrested under section 151 of Cr. P.C. In Criminal Revision No.1537/84 which was filed before the Sessions Judge, The Criminal Proceedings were quashed by the order dt. 17th August, 1985. An order was passed compulsorily retiring the applicant on 18.3.1988 under Rule 56(J)(ii) after he attained the age of 55 years.

3. The applicant's contention is that the order should have been passed by the Director General of Ordnance Factory as he was appointed by that authority,

.....2.

13

while the compulsory retirement was by the General Manager on 18.3.1988. The only point pressed by Shri S.B.Wahane, learned counsel for the applicant in this case is that the General Manager did not have the authority to compulsorily retire the applicant. The Review Committee went into this question and in its Memorandum dt. 10.3.1988 stated that the case of the applicant for pre-mature retirement was reviewed by the Review Committee of the Headquarters, ~~with~~ the approval of the Chairman, Ordnance Factory Board it had been decided to pre-maturely retire the applicant and accordingly a notice was issued to him under the signature of the General Manager, who was the appropriate authority for pre-mature retirement. ^g ~~That~~ the order at Annexure-A dt. 18.3.1988 it has been mentioned that whereas the Ordnance Factory Director is of the opinion that it is in the public interest to do so, ^{Am} The applicant was being compulsorily retired from service under clause 56(j)(ii) of the Fundamental Rules w.e.f. 20.6.1988. It is therefore, clear that even though the order was communicated by the General Manager the decision in this respect had been taken by the Director General, Ordnance Factory. Shri Wahane, the learned counsel for the applicant relied on the entry at Sl.(xi) in part ^g of the CCS(CCA) Rules under which all Gr. 'C' posts of Chargeman Gr.I, Assistant Store Holder, Asstt. Foreman, Store Holder, Foreman, Principal Foreman, and equivalent posts, the Dy. Director General, Ordnance Factory ~~who~~ also shall have the authority to impose penalties. The applicant, however, falls not under Clause 'a' of entry (xi), but (b) which relates to all Grade 'C' posts other than (a) above and in Grade 'D' posts in Ordnance Factories, Ordnance Equipment Factories for which the appointing authority, as well as the authority

(14)

- 3 -

is the General Manager.

4. Since the authority which ordered the compulsory retirement of the applicant was competent to do so, we see no merit in the present application, it is dismissed.

N.K.V.

(N.K.VERMA)
MEMBER (A)

M.S.D.

(M.S.DESHPANDE)
VICE-CHAIRMAN

B.