

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.814/87

Date of Order 23rd Dec 1991

BETWEEN:

B.K.Bhattacharjee

.. Applicant.

AND

1. The Director,
Pilot Map Production
Plant,
Survey of India,
Hyderabad-500 039.

2. The Surveyor-General
of India,
(representing Union
of India),
Dehra Dun-UP 248 001. .. Respondents.

Counsel for the Applicant .. Mr.C.Suryanarayana

Counsel for the Respondents .. Mr.NR.Devraj, Addl.CGSC.

CORAM:

Honourable Mr.R.Balasubramanian : Member (Admn)

Honourable Mr.T.Chandrasekhar Reddy : Member (Judl)

(This Judgement is delivered by Hon'ble Mr.T.Chandrasekhar Reddy
Member(J)

This is an application filed by the applicant
under Section 19 of the Central Administrative Tribunals
Act to set aside the order of Compulsory Retirement dated
7.10.1987 and for consequential benefits.

2. The facts ~~giving~~ ^{and} so far that are necessary to
decide this application in brief ^{and} stated as follows.

3. The applicant herein was appointed in Survey of
India in Group 'D' service w.e.f. 18.4.1955. He completed
30 years of qualified service on 23.4.1985. At the time of
completing his 30 years qualifying service the applicant was
holding a Group 'C' post as Record Keeper, Gr-II. An order
was issued dated 21.7.1987 by the respondents giving the
applicant 3 months notice ^{to} compulsory retire him from

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service w.e.f. 22.4.1987, in accordance with clause (b) of sub-rule (1) of Rule 48 of the C.C.S.(Pension) Rules, 1972. The applicant submitted an application dated 30.1.1987 requesting the competent authority to withdraw the above order. Any how the applicant was allowed to continue in service. In accordance with the procedure laid down for the consideration of representation, the representation of the applicant dated 30.1.1987 was forwarded to the 2nd respondent with all relevant records. After consideration of the representation of the applicant the 2nd respondent informed the applicant as per his letter dated 6.8.1987, the special review committee constituted in their office had not approved the retention of the applicant in the Government service. Accordingly, order dated 7.10.1987 giving 3 months notice to the applicant compulsorily retiring him from service on the forenoon of 7.1.1988 was issued. As already indicated, it is the said order that is questioned in this O.A.

4. Counter is filed opposing the application.

5. This application came up for admission hearing on 31.12.1987. The following is the order passed by this Bench consisting of Mr. K.Madhava Reddy, Chairman.

"Admit. Interim stay until further orders. This will not preclude the respondents from considering the representation of the applicant



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stated to have been submitted on 26th October 1987 which ought to have been disposed of by the respondents within a period of six weeks. Post on 7.1.1988 for further orders."

The matter again came up on 7.1.1988 for hearing on interim relief in pursuance of the orders dated 31.12.87. On 7.1.1988, the Bench has passed the following order:-

"We have heard the learned counsel for the applicant and Shri Parameswara Rao on behalf of the Department. Interim stay made absolute. Post the main case for hearing after six weeks."

In view of the said interim order dated 7.1.1988, the applicant continues to be in service even by today even though he was ordered to be compulsorily retired in the post of the Record Keeper, Grade-II (RK-II), Pilot Map Production, Survey of India, Hyderabad. Mr. N.R.Devaraj, learned counsel for the respondents very strenuously contended that the compulsory retirement of the applicant is made on valid grounds and hence the application of the applicant is liable to be dismissed.

6. The date of birth of the applicant is 2.1.1934. As a matter of fact, the date of birth of the applicant is not in dispute. The applicant is due to retire by

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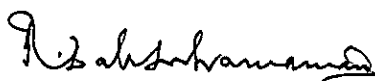
P382

To

- 1) The Director,
Pilot map production plant,
Survey of India, Hyderabad - 39
- 2) The Surveyor-General of India,
Union of India, Dehradun - U.P. - 248 001
- 3) one copy to Mr. C. Suryanarayana, Advocate, CAT. Hyderabad.
- 4) one copy to Mr. N.R. Devraj, Addl. Censor, CAT. Hyderabad
- 5) one spare copy.

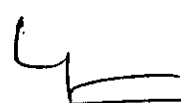
31.1.1992 i.e., the applicant is due to retire within a month and 10 days from today. So, bearing in mind the fact that this Bench has allowed the applicant to continue in service, by its interim orders already referred to and as the applicant is due to retire within one month, 10 days, we are of the opinion that it would be a futile exercise to go into the merits of the case and give a finding in one way or the other. After going through the records and after hearing the Advocate for the applicant and the counsel for the respondents, we are also of the opinion that this is a fit matter to set-aside the impugned order of compulsory retirement and allow the application.

7. In the result, we set-aside the impugned order dated 7.10.1987 (Annexure A.1) compulsorily retiring the applicant. ~~Application~~ is allowed accordingly. We make no order as to costs in the circumstances of the case.


(R. BALASUBRAMANIAN)
Member (Admn.)


(T. CHANDRASEKHAR REDDY)
Member (Judl.)

Dated: 23 December, 1991.


Dy. Registrar (J)
30/12/91