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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR..

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Date of Decision: 8.3.94.

OA 49/94

INDER SINGH GAUR ... APPLICANT .

vs.

UNION OF INDIA & ANR. ... RESPONDENTS .

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... SHRI D.P. OJHA.

For the Respondents ... ---

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

Applicant Inder Singh Gaur in this application u/s 19 of the Administrative Tribunals Act, 1985, has prayed for quashing the order dated 10.11.93 at Annexure A-1, by which the intervening period from premature retirement to reinstatement of the applicant was treated as leave due. The applicant has also prayed that the respondents be directed to treat the intervening period as spent on duty with all consequential benefits. He has also claimed compensation for wrongful premature retirement.

2. The relevant facts are that the applicant was prematurely retired vide order dated 19.7.93 at Annexure A-2 after having attained the age of 55 years in accordance with Rule 1802(a) of the Indian Railway Establishment Code Vol.II (6th Edition, 1987). He was ordered to be paid a sum equivalent to the amount of his pay plus allowances for a period of three months, calculated at the same rate at which he was drawing them at the time of his retirement. Thereafter, the applicant made a representation to the Chief Personnel Officer, Western Railway, Bombay, requesting that the aforesaid order of premature retirement be withdrawn.

His representation was accepted and it was decided by the Department to reinstate him in service vide Annexure A-4 dated 29.10.93

However, vide order dated 10.11.93 (Annexure A-1) the intervening period from premature retirement to reinstatement was treated as leave due. The applicant claims that it should have been treated as spent on duty. The applicant has already made a representation to the concerned authority on 23.11.93 vide Annexure A-5 and the learned counsel for the applicant has stated that this representation is still pending consideration and it has not been disposed of. He wants this representation to be disposed of as per rules and instructions on the subject.

3. We, therefore, dispose of this OA with a direction to the respondents to dispose of the applicant's representation dated 23.11.93 through a detailed order on merits as per rules, instructions and guidelines on the subject within a period of one month from the date of receipt of a copy of this order. The applicant shall however be at liberty to file a fresh OA if he is aggrieved by any decision taken on the representation.

( G.P. SHARMA )  
MEMBER (A)

Gopal Krishna  
( GOPAL KRISHNA )  
MEMBER (J)