CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA Nos.398/2003 & 399/2003.

Jaipur, this the 2nd day of September, 2005.

CORAM : Hon'ble Mr. M. L. Chauhan, Judicial Member.

Jagdish Narain Meena
S/o Shri Ghasi Ram,
Aged about 41 years,
R/o Village and Post Kishorepura,
Tehsil & District Jaipur (Rajasthan).

... Applicant in OA No.398/2003.

1. Jagdish Narain Meena
S/o Shri Ghasi Ram,
Aged about 41 years,
R/o Village and Post Kishorepura,
Tehsil & District Jaipur (Rajasthan).

2. Santoshi Devi
W/o Shri Jagdish Narain Meena
Aged about 36 years,
R/o P.O. & Village Kishorepura,
Tehsil & Distt. Jaipur (Rajasthan).

... Applicants in OA No.399/2003.

By Advocate : Shri Nand Kishore.

Vs.

1. Union of India through
General Manager, Northern Railway,
Baroda House,
New Delhi.

2. Divisional Railway manager,
Northern Railway,
New Delhi.

... Respondents.

By Advocate : Mr. Tej Prakash Sharma.

: O R D E R (ORAL) :

Initially the applicant has filed two OAs, viz. OA No.398/2003 for payment of retrial benefit as the applicant was discharged from service by declaring him

medically invalid for all the categories and OA No.399/2003 for giving compassionate appointment to the wife of the applicant.

2. During the pendency of these OAs, the applicant filed OA No.61/2005 along with MA No.49/2005 for condonation of delay, in which it has been pleaded that in view of the decision rendered by the Supreme Court in the case of Kunal Singh vs. Union of India & Anr. Civil Appeal No.1789/2000 decided on 13.2.2003, whereby it was held that a person who has been declared permanently incapacitated for further service has to be kept on supernumerary post until a suitable post was available or he attains superannuation whichever is later, since no such efforts were made by the respondents, as such, the order invalidating him from service is illegal and arbitrary. Notice of this application as well as MA was given to the respondents. Despite repeated opportunities, respondents have not filed reply.

3. In view of what has been stated above, I am of the view that since now the case of the applicant is that he could not have been retired from service till he attains superannuation, in view of the law laid down by the Apex Court, the grievances raised by the applicant in OA No.398/03 & 399/03 does not survives. However, it is clarified that in case subsequent OA i.e. OA No.61/2005 is dismissed on the ground of limitation, it will be open

for the applicant to move appropriate application for revival of these OAs.

4. With these observations, OA Nos.398/03 & 399/03 shall stands disposed of. A copy of this order be placed in the file Of OA NO.61/2005.

(M. L. CHAUHAN)
JUDICIAL MEMBER

P.C./