

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No.27/2006.

Jaipur, this the 20th day of January, 2006.

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

P. D. Meena
S/o Shri Ranjeet Ram Meena,
Aged about 57 years,
R/o Qtr. No.8, Postal Colony,
Scheme No.4,
Alwar.

... Applicant.

By Advocate : Shri C. B. Sharma.

Vs.

1. Union of India
Through its Secretary,
Department of Posts,
Ministry of Communication and Information Technology
Dak Bhawan,
New Delhi 110 001.
2. Principal Chief Post Master General,
Rajasthan Circle,
Jaipur 302 007.
3. Senior Superintendent of Post Offices,
Alwar Postal Division,
Alwar 301 001.

... Respondents.

: O R D E R (ORAL) :

The applicant has filed this OA thereby praying for the following reliefs :-

- (i) That the respondents may be directed to produced entire record relating to the matter and after perusing the same memo dated 3/12/2005 (Annexure A/1) be quashed and set aside with all consequential benefits.
- (ii) That respondents be further directed to continued the applicant in service till retirement on superannuation i.e. 30/4/2009.

- (iii). Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.
- (iv) That the costs of this application may be awarded."

2. The facts of the case are that the applicant while working on the post of Postal Assistant, Alwar HO, who had completed 55 years of age as on 7.04.2004 was served with a notice/order of premature retirement vide order dated 3.12.2005 (Annexure A/1) thereby stating that the applicant shall retire from service on the forenoon of the day following the date of expiry of three months computed from the date following the date of service of this notice on him.

3. In this OA the applicant has raised the grounds regarding competency of the authority to pass this order and also that the applicant has completed 57 years of age and his case has not been reviewed before attaining the age of 55 years or completion of 30 years service as provided in note-2 below rule 56 of FRSR Part-I.

4. The applicant was heard at admission stage. I am of the view that the present OA is premature at this stage and cannot be entertained in view of the instructions issued by the Government regarding premature retirement of the employee. At this stage it will be useful to quote Part 3 of the said instruction where procedure for

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consideration of representation has been laid down which thus reads as under :-

"III. Procedure for consideration of representations.

- (1) A Government employee who has been served with a notice/order of premature retirement under the provisions mentioned above, may submit a representation within three weeks from the date of service of such notice/order.
- (2) On receipt of a representation, the Administrative Ministry/Department/Office should examine the same to see whether it contains any new facts or any new aspect of a fact already known but which was not taken into account at the time of issue of notice/order of premature retirement. This examination should be completed within two weeks, from the date of receipt of the representation. After such examination, the case should be placed before the appropriate Committee for consideration. The composition of the Committee for the purpose of considering the representations against premature retirement shall be as indicated in Annexure II.
- (3) The Committee considering the representation shall make its recommendation on the representation within two weeks from the date of receipt of the reference from the administrative authorities concerned. The authority which is empowered to pass final orders on the representation should pass its orders within two weeks from the date of receipt of the recommendations of the committee on the representation.
- (4) If, in any case, it is decided to reinstate a prematurely retired Government employee in a service after considering his representation in accordance with these instructions, the period intervening between the date of premature retirement and the date of reinstatement may be regulated by the authority ordering reinstatement as duty or as leave or dies non, as the case may be, taking into account the merits of each case.
- (5) In the case of employees who had been prematurely retired on grounds of inefficiency and by the time the Committee to consider the representations against such premature retirement came to the conclusion that premature retirement was unjustified, the date of superannuation of the employees has already

arrived or had passed, it has been decided that the authorities empowered to pass final orders may at their discretion reinstate the superannuated Government servants notionally with effect from the date of compulsory retirement and treat the period upto the date of superannuation, as duty, leave or dies non as may be considered appropriate by the competent authority."

5. In view of the aforesaid instructions, I am of the view that the applicant is not remediless and in case he has any grievance, the matter can be considered by the ~~Representation~~ Committee in the light of instructions as stipulated above. Accordingly, I am of the view that the present OA can be disposed of with a direction to Respondent No.2 i.e. Principal Chief Post Master General, Rajasthan Circle, Jaipur, to treat the present OA as representation of the applicant and process the matter in the light of the instructions and time framed as stipulated above. It is made clear that the representation of the applicant shall not be dismissed on the ground that the applicant has failed to submit such representation within three weeks and the case of the applicant shall be considered on its own merit. Let the copy of this order along with copy of the OA be sent to Respondent No.2 for necessary action.


(M. L. CHAUHAN)
JUDICIAL MEMBER

P.C./