

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.469/2018

This the 11th day of October, 2018

**Coram : Hon'ble Ms. Archana Nigam, Administrative Member
Hon'ble Shri M.C.Verma, Judicial Member**

Shri Durbadal C Sinha
S/o. Chittaranjan Sinha
Aged about 58 years
Working as APO-I at BRC Division
Residing : B-1/18, Gajanan Park Society,
Opp. Shivanjali Society, GIDC Road, Nr. Sai Chokdi
Manjalpur, Vadodara 390 011. Applicant

(By Advocate : Ms. S.S.Chaturvedi)

VERSUS

1. Union of India,
Notice to be served through
General Manager
Western Railway,
Churchgate, Mumbai 400 020.
2. Chief Personnel Officer
Western Railway, HQ Office
Churchgate, Mumbai 400 020. Respondents.

ORDER – ORAL

Per : Hon'ble Shri M.C.Verma, Member (J)

Heard. Learned counsel inviting our attention towards

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Annexure A-1, which has been assailed in present OA, submitted that applicant has rendered 39 years of unblemished service and neither there is complaint against him nor any vigilance inquiry is pending and he is physically fit despite that he has been served with alleged Order dated 29.8.2018 rendering his compulsory retirement from service after expiry of three months. Learned counsel requests to issue notice on the OA or to pass appropriate relief to the applicant.

2. Considered the submission. Annexure A-1, which has been assailed in the OA appears to be merely a show cause notice. For ready reference and for sake of brevity, operative portion of said notice/order Annexure A-1 herein, is reproduced below :

"ORDER

Where as the General Manager is of the opinion that it is in the public interest to retire Shri D.C.Sinha, APO/BRC compulsorily.

*Now, therefore, in exercise of the powers conferred by clauses *Rules 1802(a)/ 1803(a) read with para 620(ii) of Manual of Pension Rules 1950/ 1804 (a) of IREC, Vol.II the General Manager hereby gives notice to Shri D.C.Sinha, APO/BRC that he having already attained the age of fifty years and having completed 30 years of service/ 30 years of service qualifying for pension on the 14.5.2010 and 24.6.2009 respectively 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. If he so*

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desires, he may represent in writing to the General Manager within 3 weeks from the date this notice is served on him."

3. Language of Annexure A-1 reflects that it is simply a notice in the form of show cause notice. It also transpires that applicant has given opportunity to submit representation/ reply to this notice and from pleadings made in OA, it also transpires that applicant has made representation on 11.09.2018 and outcome of that representation is still awaited.

4. Having taken note of entirety, this OA is disposed off at notice stage itself by giving direction to the respondents to take decision on the representation dated 11.09.2018 (Annexure A-3) of the OA expeditiously but atleast 15 days in advance from the date of the expiry of three months' notice period given to applicant in Annexure A-1 and decision so taken thereon, shall be communicated to the applicant within one or two days thereafter.

5. With aforesaid direction, the OA stands disposed off.

(M.C.Verma)
Member (J)

(Archana Nigam)
Member (A)