

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00656/2017

Monday, this the 19th day of March, 2018

CORAM:

Hon'ble Mr. U. Sarathchandran, Judicial Member

B. Sudhir Kumar,
Aged 52 years, S/o. Bhaskaran Pillai P.,
Junior Clerk/ Southern Railway/
Office of the Sr. Divisional Mechanical Engineer,
Trivandrum Divisional Office, Trivandrum – 695 014,
Residing at “Pournami”, Kalluvathukkal P.O.,
Kollam – 691 578. **Applicant**

(By Advocate – Mr. T.C. Govindaswamy)

V e r s u s

1. Union of India,
represented by the General Manager, Southern Railway,
Headquarters Office, Park Town P.O.,
Chennai – 600 003.
2. The Sr. Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum – 695 014.
3. The Chief Personnel Officer,
Southern Railway, Headquarters Office,
Park Town P.O., Chennai – 600 003.
4. The Railway Board,
Ministry of Railways, Rail Bhavan,
New Delhi – 110 001,
Represented by its Secretary. **Respondents**

(By Advocate – Mr. Millu Dandapani)

This Original Application having been heard on 19.03.2018, the Tribunal on the same day delivered the following:

ORDER (Oral)

The applicant has approached this Tribunal seeking the relief of voluntary retirement. He states that he is a medically de-categorised loco-

running staff of Southern Railway, Trivandrum Division and is presently working as a Junior Clerk in the office of the Sr. Divisional Mechanical Engineer/Southern Railway/Trivandrum Divisional Office by way of alternative employment. He has made Annexure A4 representation in terms of Annexure A3 Railway Board order seeking voluntary retirement, but no action was taken by the respondents.

2. The relief sought by the applicant is as under:-

- (i) Call for the records leading to the issue of Annexure A1 and quash the same;
- (ii) Declare that the respondents are bound to allow the applicant to retired voluntarily from railway service forthwith (in terms of Annexure A3), at least with effect from 01 Sept. 2017 with all consequential benefits arising there from;
- (iii) Award costs of an incidental to this Application;
- (iv) Pass such other orders or directions as deemed just, fit and circumstances of the case.

3. Sufficient time was given to the respondents for filing of reply statement. In the order dated 01.11.2017 it was clearly mentioned that if no reply statement is filed within two weeks from that date it will be presumed that there is no defence for the respondents. Even on the subsequent posting date also i.e. on 24.1.2018 no reply statement was seen filed.

4. Today, when the case was taken up none was present on behalf of the respondents. No reply statement is on record.

5. In the circumstances, heard the learned counsel for the applicant. Perused the record.

6. Accordingly, the O.A. is allowed as prayed for. No order as to costs.

(U.SARATHCHANDRAN)
JUDICIAL MEMBER

sj*

List of Annexures of the applicant

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| Annexure A-1 | - | A true copy of Order bearing No. V/P.579/V.R/Mechl/Mini/Anc dated 07.07.2016 (2017?) issued from the office of the 2 nd respondent. |
| Annexure A-2 | - | A true copy of Memorandum bearing No. V/P.11/XII/SNP/Med.Decat dated 11.01.2002, issued from the office of the 2 nd respondent. |
| Annexure A-3 | - | A true copy of order bearing RBE No. E(P&A)II-2004/RS-05 dated 29.11.2016 (RBE No. 137/2016). |
| Annexure A-4 | - | A true copy of representation dated 25.01.2017 addressed to the 2 nd respondent. |
| Annexure A-5 | - | A true copy of letter bearing No. V/P.579VR/Mechl/Mini/Anc dated 03.05.2017 issued from the office of the 2 nd respondent. |

List of Annexures of the Respondents

Nil.
