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OA-350/01055/2012

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

PARTICULAR OF THE APPLICANT:

Adesh Kumar, son of late Shivdani Singh, aged about 58 years, by occupation service as Director Works (Works-cum-TLQA)ER-I in the office of the Additional Director General (ER-I), CPWD, Nizam Palace, 234/4 A. J. C. Bose, Kolkata - 700 020, residing at Type-VI Qtrs. No.4, Nizam Palace, 234/4 A. J. C. Bose Road, Kolkata - 700 020.

APPLICANT

V E R S U S

- I. Union of India through the Secretary to the Government of India, Ministry of Urban Development, Nirman Bhawan, New Delhi - 110 011.
- II. The Secretary to the Govt. of India, Department of Personal and Training, North Block, New Delhi - 1100 011.
- III. The Director General, CPWD, Nirman Bhawan, New Delhi - 110 011.
- IV. Additional Director General(ER-I), CPWD, Nizam Palace, Kolkata - 700 020.

.....RESPONDENTS

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**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

No. O.A. 350/01055/2017

Date of order: 21.7.2017

Present: Hon'ble Mr. A.K. Patnaik, Judicial Member

For the Applicant : Mr. A.Chakraborty, counsel

For the Respondents : Mr.P.Mukherjee, counsel

ORDER (Oral)

Per A.K. Patnaik, Judicial Member:

Heard Ld. Counsel appearing for the applicant and Ld. Counsel appearing for the official respondents.

2. This O.A. has been filed by Shri Adesh Kumar, working as Director Works (Works-cum-TLQA) ER-I in the office of the Additional Director General (ER-I), CPWD, Nizam Palace challenging Office Order No. 28018/5/2017-EW-I dated 21.6.2017 issued by the Under Secretary, (EW-I). This O.A. has been filed praying for the following reliefs:

"a) Office Order No. 28018/5/2017-EW-I dated 21.6.2017 issued by Under Secretary (EW-I) cannot be sustained as the same was not passed in public interest and as such the same may be quashed.."

3. The facts in a nut shell as per Mr. Chakraborty, Ld. Counsel for the applicant are that the applicant is at present working in the office of the respondent No. 4 as Director (Works-cum-TLQA) ER-I and he belongs to Combined Engineering Service (Civil) Batch, 1981. He received an Office Order dated 21.6.2017 by which he was intimated that as he has already attained the age of 50 years shall retire from service on the forenoon of the day following the expiry of three months computed from the date following the date of service. As per the applicant the respondent

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authorities have done this in exercise of powers conferred upon them under clause (J) of Rule 56 of the Fundamental Rules. According to the applicant the penalty of compulsory retirement under FR 56(J) is imposed by the Government only for public purposes namely, to augment efficiency in public service. Since the service record of the applicant for the last 6 years shows that the applicant is a hard working and dedicated officer, as per the applicant the order of compulsory retirement is thoroughly unjustified. The applicant has preferred an appeal dated 5.7.2017 to respondent No. 4 which has been duly forwarded to the respondent No. 3 vide Annexure A-6 dated 6.7.2017.

4. Mr. A. Chakraborty, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent Nos. 3 & 4 to dispose of the appeal dated 5.07.2017 within a specific time frame.

5. I think it appropriate to dispose of this O.A. without waiting for reply by directing the respondent Nos. 3 & 4, that if such appeal dated 5.7.2017 which has been duly forwarded on 6.07.2017 and the same is still pending consideration, then the said appeal may be considered and disposed of by way of a well-reasoned order within a period of six weeks from the date of receipt of a copy of this order under communication to the applicant and if after such consideration, the applicant's grievance is found to be genuine, then expeditious steps may be taken within a further period of six weeks to extend those benefits to the applicant. However, if in the meantime, the appeal stated to have been preferred on 5.07.2017 have already been disposed of then the result be

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communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order.

6. I make it clear that I have not gone into the merits of the matter and all points are kept open for the respondents to consider the same as per the rules and regulations in force.

7. A copy of this order along with paper book be transmitted to the respondent No. 3 & 4 by speed post for which Mr. Chakraborty undertakes to deposit necessary cost in the Registry by next week.

8. With the aforesaid observation and direction, the O.A. is disposed of.


(A.K. Patnaik)

Judicial Member

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