

1

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. O.A. 350/01613/2016

Date of order: 10.11.2016

Present: Hon'ble Justice Mr. Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

ASHOK KUMAR DASH

VS.

UNION OF INDIA & ORS. (Defence)

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. S.C. Paul, Counsel

ORDER (Oral)

Per Mr. Vishnu Chandra Gupta, Judicial Member:

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

2. It is a matter wherein department has issued a notice of compulsory retirement to the applicant. He made a representation against the order which has been passed on 30.8.2016 which reads as under:-

No. 682/8/Estt.
Establishment Section
Date : 30.8.2016

To
Shri Ashok Kumar Dash,
JWM(T)/922037,
Section – EO (Civil)

Through :- Joydeep Paul Majumdar, AWM/Civil

Subject:- Strengthening of Administration – Periodical Review

of services under FR 56(j) and 48(1) of the CCS Pension Rules, 1972.

Based on the recommendations of the Screening Committee at the factory level and that of the Review Committee at OFBHQ as approved by the DGOF & Chairman, you have been declared unfit to continue in service on the grounds stated below:

"Your performance over the year is not satisfactory".

Accordingly you have been made unfit to continue in service.

2. This may be treated as advance notice for 3 months from the date of issue of this letter. The notice period will be over on 30th November, 2016. On 1st December, 2016 your name will be struck off the strength of this factory.

3. If you, so desire, you may make an application within 07 days from the date of issue of this letter or such extension of time as may be applied for but not exceeding another 07 days, requesting for 03 months pay and allowances in-lieu thereof. If no such request is received within this period it will be treated that you are not interested for taking 03 months pay and allowances now in lieu thereof, and in that case you will be struck off the strength w.e.f. 01/12/16 as stated in para 03 above and your terminal dues like Pensions, Gratuity, Last Pay, Leave Encashment, Commuted Value of Pension, GPF Payment etc. as per rule will be processed.

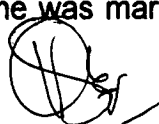
4. You may please note that your release of Last Pay and other terminal benefits will be processed as admissible and as per rule depending upon the Leave status and other status etc.

5. You may also note that this action has nothing to do with the removal, discharge from service under disciplinary action. Your Pension, Terminal claims etc. will be provided as per CCS (Pension) Rules, 1972.

6. If you want to make any representation against the decision you may make such representation within a period of three weeks from the date of receipt of this letter. Representation so received will be considered by a committee at OFB level.

RATNESHWAR VARMA
GENERAL MANAGER"

3. It has been contended that the applicant has "very good" remark in appraisal during the last five years and in last year he was marked as an




outstanding employee. It is also stated that he made a representation to the authorities to reconsider his decision which has not yet been decided.


4. The Ld. Counsel for the respondents is present and informed that the representation of the applicant has been referred to the Secretary, Ordnance Factory Board as the matter is of compulsory retirement.

5. Hence without expressing any opinion at this juncture, we are of the view that the representation which has been given by the applicant should be decided positively by 21.11.2016 under intimation to the applicant.

6. With this observation, the petition is finally disposed of. There shall be no order as to costs.



(Jaya Das Gupta)
MEMBER(A)



(Vishnu Chandra Gupta)
MEMBER(J)

SP