

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

ORIGINAL APPLICATION NO. 060/01516/2018

Chandigarh, this the 7th day of January, 2019

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

...

Visakha Singh aged about 59 years son of Sh. Mitha Singh, r/o Street No. 1-1/2 Guru Amar Das Nagar, Behind Nagar Nigam Tubewell, Narwana Road, Bathinda-Punjab 151001 (Group-C), working as Enquiry-cum-Reservation Clerk under respondent no. 3.

....APPLICANT

(By Advocate: Shri Karnail Singh alongwith applicant)

VERSUS

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi-110001.
2. Divisional Railway Manager, DRM Office Complex, Northern Railway, Ambala Cantt (Haryana)-133001.
3. Divisional Commercial Manager, Northern Railway, Ambala Cantt. (Haryana) 133001.
4. Sh. Suresh Kumar Reservation Supervisor Northern Railway Bathinda Station Pin 151001.

....RESPONDENTS

(By Advocate: Shri Yogesh Putney)

ORDER (oral)

SANJEEV KAUSHIK, MEMBER (J)

On the previous date of hearing, when the matter came up for hearing, the following order was passed:-

“The present O.A. has been filed by the applicant seeking issuance of a direction to the Respondent No. 3 to allow him to join his duty as Enquiry cum Reservation Clerk at Bhatinda Station. The contention of the learned counsel is that the applicant has been disallowed to perform his duties w.e.f. 15.12.2018, without issuance of any order to that effect.

Though we were not inclined to entertain the O.A. in the absence of any adverse order against the applicant, however, on a specific statement made by the learned counsel that the respondents have not issued any order to dispense away with his services, and that if his statement is found to be false, the O.A. may be dismissed with costs of Rs.50,000/-, let notice be issued to the respondents.

At this stage, Mr. Yogesh Putney, Advocate, appears and accepts notice on their behalf. He seeks and is granted 10 days time to verify the fact, as noticed herein above.

List on 07.01.2019.”

2. Today, Shri Yogesh Putney, learned counsel appearing on behalf of respondents apprised this Court by producing a copy of order dated 14.12.2018 whereby the Competent Authority has taken a view to compulsory retire the applicant with immediate effect. He also produced a copy of communication whereby the applicant has refused to accept said order. Both these orders are taken on records. Based thereupon, he submitted that this order was in the well within the knowledge of the applicant at the time of filing of the instant O.A., but he has filed the case by making wrong statements. Therefore, he prayed that the O.A. be dismissed with costs as noticed at the time of motion hearing.

3. Shri Karnail Singh, Advocate appearing alongwith applicant submitted that the order of compulsory retirement was never communicated to the applicant and he received a copy of this order only on 26.12.2018. Therefore, he submitted that prayer made by the learned counsel for respondents be declined. He further submitted that applicant be given a liberty to challenge this order by filing statutory appeal as provided under Rule 18 of Railway Servants (Disciplinary and Appeal) Rules, 1968. He also prayed that since the applicant is going to retire in the month of October,

2019 his appeal may be directed to be decided as expeditiously as possible.

4. In the wake of above noted facts, this O.A. has been rendered infructuous as the speaking order has been passed by the respondents compulsory retiring the applicant from service against which statutory appeal lies under the indicated rules. Therefore, this O.A. is disposed of as having been rendered infructuous. However, if the applicant files statutory appeal by taking all the pleas as taken in the O.A. within the prescribed time the Competent Authority is directed to decide the same within a period of 45 days by passing a reasoned and speaking order thereon and the same be communicated to the applicant.

(P.GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 07.01.2019

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