

VACATION BENCH

**CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench, New Delhi**

**OA No.4699/2018
MA No.5372/2018**

New Delhi, this the 28th day of December, 2018

Hon'ble Ms. Praveen Mahajan, Member (A)

Jag Mohan Singh (Driver)

Aged 55 years

Group 'C', Driver

S/o Shri Kamal Singh

R/o Near Bharat Dharam Kanta,

Kaundhala Road

Budhana, Muzaffar Nagar (UP).

(By Advocate: Shri U.Srivastava)

... Applicant

VERSUS

1. Delhi Transport Corporation through its Chairman
DTC Headquarters, IP Estate, New Delhi.
2. The Chief Managing Director, Delhi Transport Corporation
Govt. of NCT Delhi, IP Hqrs., New Delhi.
3. The Unit Officer, Delhi Transport Corporation
Nand Nagari Depot, New Delhi. ... Respondents

O R D E R (Oral)

The applicant in the OA has come to the Tribunal with the request that the respondents should be directed to stay the operation of the order dated 07.09.2018 retiring the applicant from service w.e.f.31.12.2018 due to medical unfitness.

2. Briefly, the applicant who was working as Driver with the respondents, got injured in his backbone in the year, 2010. He was declared medically unfit by the Medical Board and remained

under the frequent treatment/observation of Guru Teg Bahadur Hospital w.e.f. 2010 to 2017. The applicant was recommended rest with alternate duties due to this accident. The applicant states that he has now been found fit as per medical certificate dated 16.03.2018 & 18.09.2018 (Annexure A-14). However, the respondents have ordered to retire the applicant from service, vide their order dated 07.09.2018. The applicant states that though he made representation to the respondents on 03.10.2018 with his revised medical examination report (Annexure A-15), his representation is still pending with the respondents.

3. It is admitted by the applicant that he sustained a serious back injury due to which he has been put on alternative duty for the past seven years. An extension after superannuation as per DRTA (Conditions of Appointment and Service) Regulations, 1952 is obviously the discretion of the respondents given in deserving cases.

4. In view of the overall facts of the case, I find no reason for the Tribunal to intervene in the impugned order dated 07.09.2018. The OA is dismissed at admission stage.

DASTI.

**(Praveen Mahajan)
Member (A)**

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