

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.319/2001
MA No.304/2001

(A)

New Delhi, this the 14th day of September, 2001

HON'BLE MR. SHANKER RAJU, MEMBER (J)

Suresh Kumar
S/o Shri Jai Dayal,
R/o 38, Kalyan Vas, Delhi-110091.
Ex. Personal Assistant in Cabinet
Secretariat, South Block
New Delhi.

... Applicants
(Applicant in person)

V E R S U S

1. The Cabinet Secretary,
Cabinet Secretariat, Govt. of India,
South Block, New Delhi
2. The Secretary, Cabinet Secretariat,
Govt. of India, C.G.O. Complex,
Near Lodhi Hotel, New Delhi.

... Respondents
(By Advocate: Shri Madhav Panikar)

O R D E R (ORAL)

Heard applicant in person and Shri Madhav Panikar, learned counsel for the respondents.

2. The grievance of the applicant in the present case is that he has made a request to the respondents for withdrawal of his resignation which had been accepted on 6.3.1990. They have not considered the same and also the request for invalid pension has been rejected. The applicant in this OA has filed MA No.304/2001 for condonation of delay, inter alia, taking ground that the applicant cannot file this application, as he was suffering from depression and whenever he used to approach Respondent No.2 for

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allowing him to withdraw his resignation, but Respondent No.2 neither accepted the request of the applicant nor rejected the same till date.

3. The present OA has been filed after 10 years from the date of cause of action arisen to the applicant. As provided under Section 21 of the Administrative Tribunals Act, 1985 and as per the ratio laid down by the Hon'ble Supreme Court in S.S. Rathore Vs. State of M.P. reported as AIR 1990 SC 10. In case a person is aggrieved by an order against which a person wants to appeal, he should approach this Court within one and a half year from the date of making his representation. As the applicant's resignation had been accepted on 6.3.1990 and he has filed his representation for withdrawal of his resignation on 6.4.1990, the applicant should have approached this Court in the event the respondents have not issued any order on his request by 6.11.1991. Having failed to do so, he has now approached this Court after 10 years, the ground of the applicant is that he was suffering from depression and he was under medical treatment and the same has not been supported by medical certificate, the applicant's request that the delay in filing the present application from 1991 to 2001 are to be accorded, are untenable as the grounds are not found justifiable. Accordingly the MA 304/2001 is rejected.

4. Apart from it, it is applicant's chequered history of making resignations and withdrawn the same. This has been done in 21.9.1983 which was withdrawn on

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7.10.1983 and in 22.5.1987 which was withdrawn on 27.5.1987. Again on 2.2.1990 the applicant has given his resignation and the same has been accepted w.e.f. 6.3.1990 and the same cannot be withdrawn in the absence of any good reason in terms of Rule 26 of the CCS (Pension) Rules, 1972.

5. As regards the request of the applicant for grant of invalid pension, the same has been considered by the respondents keeping in view the condition and his past records, it is observed that the applicant has no right for invalid pension as the same is at the discretion of the authority.

6. In this view of the matter, the present OA is devoid of merit and is accordingly dismissed. There shall be no order as to costs.

S. Raju
(SHANKER RAJU)
MEMBER(J)

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