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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

(2)

Original Application No. 2513 of 1999

New Delhi, this the 13th day of December, 2000

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

S.P. Vaish, Ex. Asstt. Production Engineer,
Chittaranjan Locomotive Works,
R/o B-1, Gujranwala Apartments,
Vikas Puri,
New Delhi-110 018.

-APPLICANT

Postal address for service

Shri S.P. Singha, Advocate
Q-505, Anupam Apartments,
East Arjun Nagar,
Shadara, Delhi-32.

(By Advocate: None)

Versus

Union of India Through

1. The Secretary,
Ministry of Railways,
(Railway Board)
Rail Bhawan, New Delhi.

2. The General Manager,
Chittaranjan Locomotive Works,
Chittaranjan,
West Bengal-713 331.

-RESPONDENTS

(By Advocate: Shri V.S.R. Krishna)

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

In this OA the applicant is seeking following
reliefs:-

"To issue suitable directions/orders to the respondents to consider this application sympathetically for the grant of compassionate allowance or ex-gratia pension on monthly basis for the subsistence of the applicant and his wife as he had served the Railways for 20 years and 10 months as a special case by relaxing the rules as has been done for the grant of post retirement railway passes to the applicant, if necessary by converting the letter of resignation of the applicant in to an application for voluntary retirement in compliance with the spirit of Article 21 of the Constitution".

[Signature]

2. The facts in brief are that the applicant had resigned from the service w.e.f. 3.12.1964 but in the present OA he is requesting that the resignation be converted into an application for voluntary retirement and he should be treated as if he has voluntarily retired from service and he should be given all the benefits of voluntary retirement from service.

3. The application is opposed by the respondents and they have stated that the application is time barred as applicant having resigned sometime in the year 1964, he cannot now pray that his resignation be treated as voluntary retirement. Besides that applicant had earlier also filed a Writ Petition and the applicant was allowed the right of post retirement Railway passes so the applicant should have prayed therein that instead of his resignation he should be treated as if voluntarily retired from service.

4. I have heard the learned counsel for the respondents but no one has come forward to argue the case on behalf of the applicant.


5. On the face of it, the application is quite belated one since the applicant had tendered his resignation w.e.f. 3.12.1964 so now after 35 years of having severed relations with his master, cannot be permitted to convert his application of resignation into that of voluntary retirement, so on that ground of

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laches itself the OA is not maintainable.

6. In view of the above, OA has no merits and the same is dismissed.


(KULDIP SINGH)
MEMBER (JUDL)

/Rakesh/