

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.375 of 1999

New Delhi, this the 18th day of February, 1999

Hon'ble Mr. N. Sahu, Member(Admnv)

Shri Baljit Singh, S/o Sh. Mangat
Ram, R/o Vill & PO Mehpalpur, New
Delhi-110037

APPLICANT

(By Advocate Ms. Richa Kapoor proxy
for Mrs. Avnish Ahlawat)

Versus

1. Lt. Governor of Delhi, Government
of National Capital Territory of
Delhi, Raj Niwas, Delhi.

2. Commissioner of Excise, Government
of National Capital Territory of
Delhi, Vikas Bhawan, I.P. Estate,
New Delhi.

RESPONDENTS

O R D E R (Oral)

By Mr. N. Sahu, Member(Admnv)

The relief sought for in this Original
Application is to issue a direction for disbursement
of retirement benefits with effect from 1.11.1993.

2. By a letter dated 25.7.1993 addressed to the
General Manager, Delhi Tourism & Transportation
Development Corporation Limited (in short "DT&TDCL")
in whose office the applicant has been working on
deputation, the applicant applied for voluntary
retirement w.e.f. 31.10.1993. It is averred at para
4.12 of the OA that the letter requesting for
voluntary retirement was forwarded to respondent
no.2, the Commission of Excise. Thereafter the
applicant has by a petition dated 2.11.1993 expressed
his inability to continue in service due to ill
health and repeated his request for voluntary
retirement. By Annexure-D dated 18.10.1993 the

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DT&TDCL informed the Excise Department about the request for voluntary retirement, as also to convey the decision as to whether he should be treated as on deputation or he should be considered for absorption in the Corporation. The learned counsel is not clear as to whether the applicant continues to work in the office of the Corporation as on date or is staying at home since 1993.

3.. The law is settled that till the employer accepts the request for voluntary retirement, the jural relationship of employer and employee does not cease. In the circumstances of this case, it would be appropriate if this OA is disposed of by a direction to respondent no.2.

4.. Respondent no.2 Commissioner of Excise, Govt. of National Capital Territory of Delhi is hereby directed to consider the applicant's request for voluntary retirement and convey to him his decision through the DT&TDCL within a period of four weeks from the date of receipt of a copy of this order. The claim for pensionary benefits would accrue only when the request for voluntary retirement is accepted, on the satisfaction of the respondents that the conditions for voluntary retirement are satisfied. The competent authority shall, within the time prescribed above, give a reasoned and speaking order if the request for voluntary retirement for whatsoever reasons is not accepted by him. If the

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petition for voluntary retirement is accepted,
respondents shall forthwith pass orders for payment
of pensionary benefits in accordance with law.

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5.. The OA is disposed of as above..

N. Sahu
(N. Sahu)
Member (Admnv)

rkv.