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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1062/98

New Delhi: this the 18<sup>th</sup> day of July, 2000.

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MR. KULDIP SINGH MEMBER (J)

D.K. Gupta,  
SE (SG) Tett.,  
MES/ 300144,

25, South Park Apartments,  
Kalkaji,  
New Delhi-19

..... Applicant.

(By Advocate: Shri H.K. Gangwani)

Versus

Union of India  
through

1. The Secretary,  
M/o Defence,  
Govt. of India,  
North Block,  
New Delhi.

2. The Chief Engineer,  
Headquarters,  
CEJZ, Bhagat Marg,  
Post Box No. 84, Jabalpur,  
M.P. - 482001

3. The Engineer-in-Chief,  
E-in-C's Branch (EIB/Cadre),  
Army Headquarters,  
Kashmir House,  
Rajaji Marg,  
New Delhi-11.

4. The Chief Engineer,  
Headquarters CE CC,  
Lucknow-226002

..... Respondents.

(By Advocate: Shri N.S. Mehta).

ORDER

Mr. S.R. Adige, VC (A):

Applicant impugns respondents' order dated 31.10.96 (Annexure-A1) rejecting his request for voluntary retirement.

2. Applicant submitted an application for voluntary

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retirement dated 1.8.96 (Annexure-A2) giving 3 months' notice and praying that the same be accepted and he be treated as borne on the pensionary establishment w.e.f. 1.11.96

3. The same was rejected by respondents' letter dated 31.10.96 (Annexure-A1 Colly) because of serious irregularities alleged against him as contained in para 1 of respondents' reply to OA.

4. We are satisfied from a perusal of Annexure-R1 to respondents' reply that applicant received the aforesaid rejection letter on 31.10.96 itself before expiry of the 3 months' notice period.

5. In the light of the above, the OA warrants no interference and the rulings in AIR 1978 SC 17 and 1995 Supple 1 SCC 75 relied upon by applicant's counsel do not advance applicant's case in the particular facts and circumstances noticed above.

6. The OA is dismissed. No costs.

*Kuldeep*  
( KULDIP SINGH )  
MEMBER(J)

*Adige*  
( S.R. ADIGE )  
VICE CHAIRMAN(A).

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