

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

D.A.No.2423/94

New Delhi, this the 13th day of December, 1994

HON'BLE SHRI P.T.THIRUVENGADAM MEMBER (A)

V.K.Kapur
A 41, Chandar Nagar
Nanakpuri

..Applicant

(By Advocate Shri KBS Rajan)

Vs.

1. Union of India through:
The Secretary,
Department of Defence Production,
South Block, New Delhi.
2. The Director General Quality Assurances,
Ministry of Defence,
Department of Defence Production
South Block, New Delhi.
3. The Director of Quality Assurance (Naval)
R.K.Puram
West Block No.5,
New Delhi.

..Respondents.

(By Advocate Shri MK Gupta)

ORDER (Oral)

SHRI P.T.THIRUVENGADAM MEMBER (A)

This D.A. has been filed challenging the orders of transfer of the applicant from Faridabad to Madak with effect from 26-10-1994. An interim order was passed on 7-12-94 directing the maintenance of status quo for a period of six days. The respondents have filed a short reply opposing the above relief.

2. When the case came up for further hearing today the learned counsel for the applicant referred to the request for voluntary retirement made by the applicant. However it is the case of the respondents that the voluntary retirement could not be accepted since the notices issued so far by the applicant are couched with conditions/ allegations. I do not have ^{normally} to go into the voluntary retirement notice as it is not the

subject matter of this O.A. However I note if the issue regarding voluntary retirement is settled between applicant and the department, the relief sought in the O.A. would become infructuous. (b)

3. The ld. counsel for the applicant after consulting the applicant who happens to be present in the court gives an undertaking across the bar that the applicant is now prepared to submit a short request for voluntary retirement without any conditions/allegations and would retire voluntarily on 30-4-95 subject to the period between the date of submission of voluntary retirement notice and 30-4-95 being treated as leave due including LHAP/LAP. In case adequate leave is not ^{available} to cover this period, his request for voluntary retirement would be effective from an earlier date upto which leave is available in his credit. It is also assured that the voluntary retirement notice submitted as above will not be withdrawn.

4. The learned counsel for the respondents after obtaining instructions from the departmental representative Shri Y.C.Sharma, Assistant Director who is present in the court agrees that the department would accept the unconditional voluntary retirement notice (without any allegations) ^{but with} ~~and~~ other stipulations as above.

5. In the circumstances the merits of this O.A. have not been gone into. ^{the} applicant may give ^{his} voluntary retirement notice which should be unconditional and without any allegations. This should be done within three days from today. ^{agreed to by him.} ~~as~~ ^{as} The respondents shall accept the voluntary retirement and treat the period between the date of application

and 30-4-95 as leave due including half pay leave subject to such leave being available to his credit. If there is deficiency of leave to his credit the voluntary retirement notice shall stand accepted from the date by which the leave available to his credit gets exhausted. The applicant is also restrained from withdrawing the voluntary retirement notice, as already orally agreed to.

6. In the circumstances the O.A. is disposed of as infructuous. There shall be no order as to costs.

P. J. Thiruvengadam

(P.T. THIRUVENGADAM)
Member (A)
13 Dec 1994

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