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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 357 of 1988 198
T.A. No.

DATE OF DECISION 19.4.88

Jai Kishore Sharma Petitioner

Mr. T.C. Aggarwal Advocate for the Petitioner(s)

Versus

Union of India and others Respondent

Mrs. Raj Kumari Chopra Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.K. KARTHA, VICE-CHAIRMAN (J)

The Hon'ble Mr. S.P. MUKERJI, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ? No
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? No


(S.P. MUKERJI)
ADMINISTRATIVE MEMBER


(P.K. KARTHA)
VICE-CHAIRMAN (J)

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

Regn. No. OA. No. 357/88

DATED OF DECISION: 19.4.88

Jai Kishore Sharma

...Applicant

Versus

Union of India and others

..Respondents.

For Applicant: Mr. T.C. Aggarwal, Advocate

For Respondents: Mrs. Raj Kumari Chopra, Advocate

CORAM: HON'BLE MR. P.K. KARTHA, VICE-CHAIRMAN(J)
HON'BLE MR. S.P. MUKERJI, ADMINISTRATIVE MEMBER

JUDGMENT:

(Judgment of the Bench delivered by
Mr. S.P. Mukerji, Administrative Member)

The applicant, who retired voluntarily as Business Manager, Publication Division, Ministry of Information & Broadcasting ~~was~~, in this application of 29.2.88, prayed that ^{the} order dated 24.7.86 suspending the implementation of the applicant's promotion order, the order dated 25.7.86 transferring him from Delhi to Madras and the order dated 22.10.86 allowing him to retire voluntarily from Government service w.e.f. 3.11.86 modified by the order dated 21st April, 1987 retiring him w.e.f. 4.11.86 instead of 3.11.86 may be set aside and he should be deemed to have withdrawn his applications dated 4.8.86 and 8.8.86 seeking voluntary retirement and ^{their} the order dated 17.6.86 should be implemented.

2. We have heard the arguments of the learned counsel for both the parties and gone through the documents very ^{hurly} carefully. It is admitted that the applicant for personal

and domestic reasons applied on 4.8.86 (page 53 of the paper book) and again on 8.8.86 (page 54 ibid) for voluntary retirement. It is also admitted that he did not seek any withdrawal of this application as a result of which he was allowed to retire according to his own desire by the impugned order dated 22.10.86 as amended by the order dated 24.1.87. It is also admitted that on voluntary retirement gratuity has been paid to him and he himself has been seeking finalisation of his pension. Accordingly, he cannot by this application before the Tribunal withdraw his resignation made more than one and a half years ago. The question of setting aside the order of his transfer at this stage also does not arise. As regards the implementation of the order of promotion dated 17.6.86, the applicant admits that no formal order of promotion of that or any other date had actually been issued. He has merely produced quite unauthorisedly extracts of notings (at page 36 of the paper book) in which the Minister's approval on file for his ad hoc promotion to the post of Circulation-cum-Advertisement Manager (CAM) was obtained. Because of certain complaints and threats of agitation by local book-sellers, no formal order of promotion was ever issued. It is an established law that unless formal order is issued, one cannot develop any right for the implementation of that order. The applicant's bland allegation of mala fides of the respondents cannot be accepted. He had also made no representation about his non-promotion or transfer nor did he make any grievance regarding his non-promotion or transfer even in his application for voluntary retirement.

3. In these facts and circumstances, we see no merit in the application and reject the same under Section 19(3) of the Administrative Tribunals Act, 1985.

S.M.
19.4.88
(S.P.MUKERJI)
ADMINISTRATIVE MEMBER

19/4/88
(P.K.KARTHA)
VICE-CHAIRMAN