

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO. 1148/88

DATE OF DECISION 22. 7.91

SHRI GIAN PARKASH

....APPLICANT

VS.

UNION OF INDIA & ANOTHER

....RESPONDENTS

CORAM

SHRI U.C. SRIVASTAVA, HON'BLE VICE-CHAIRMAN (J)

SHRI N.V. KRISHNAN, HON'BLE MEMBER (A)

FOR THE APPLICANT

....NONE

FOR THE RESPONDENTS

....NONE

1. Whether Reporters of local papers may be allowed to see the Judgement?

2. To be referred to the Reporter or not?

JUDGEMENT

(DELIVERED BY SHRI U.C. SRIVASTAVA, HON'BLE VICE-CHAIRMAN)

When the case was taken today for final hearing, none was present on either side. We, therefore, perused the records to deliver this judgement.

2. The applicant applied for voluntary retirement vide his application dated 6.4.1987 on domestic grounds. Subsequently, vide application dated 21.5.1987, he sought withdrawal of the same. This is rejected vide the impugned letter dated 3.8.1987. The applicant has approached the

Tribunal seeking the following reliefs :-

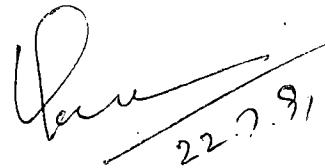
- A) command the respondents to allow the applicant to resume duty as if he was not compulsory retired and make direction to reinstate him with full back wages and continuity of service alongwith other benefits;
- B) set aside the impugned order dated 3.8.1987 and direct the respondents, their officials and agents to allow the applicant to withdraw the application of voluntary retirement dated 6.4.1987 without having any adverse effect against the applicant and without damaging the continuity of his service.

3. Earlier the applicant sought voluntary retirement on medical grounds. This was rejected on 1.4.1987. Admittedly, for seeking voluntary retirement, three months' notice is required to be given. Therefore, when on 6.4.1987, after seeking interview of the administrative authority, he moved another application for voluntary retirement on domestic grounds, the retirement would normally have taken effect from 6.7.1987. Before the said application could be accepted, he moved an application on 21.5.1987 for its withdrawal or in the alternative, for giving a job to his son. He was called to meet the concerned officer and vide letter dated 3.8.1987, his application for withdrawal of the request of voluntary retirement was rejected.

4. The applicant had a right to withdraw the application before any decision on the same could have been taken, and he

having withdrawn the same, the respondents could not have rejected the said application. In this connection reference may be made to the case of Jai Ram Vs. Union of India-AIR 1954 SC 584 and Raj Kumar Vs. Union of India-AIR 1969 SC 180.

5. In this view, the rejection of the withdrawal application was without authority of law and consequently this OA deserves to be allowed. Hence, the order dated 3.8.1987 is hereby set aside and the applicant is directed to be reinstated. The intervening period shall be treated as service for all purposes except for back wages. There will be no orders as to costs.


22.7.91

(N.V. KRISHNAN)
MEMBER (A)



(U.C. SRIVASTAVA)
VICE CHAIRMAN (J)