

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 669/90  
T.A. No.

199

DATE OF DECISION 22.1.1992

Shri Laxman Singh Verma

Petitioner Applicant

Shri R.K. Rolan

Advocate for the ~~Petitioner~~ Applicant

Versus

Union of India &amp; Others

Respondents

Smt. Avnish Ahlawat

Advocate for the Respondent(s)

## CORAM

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Jud1.)

The Hon'ble Mr. D.K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal? No

(Judgement of the Bench delivered by Hon'ble  
Mr. P.K. Kartha, Vice-Chairman)

The applicant, who has worked as Junior Engineer  
in the Office of the respondents, filed this application  
under Section 19 of the Administrative Tribunals Act,  
1985 praying for the following reliefs:-

- (1) To quash the impugned order dated 18.3.88  
issued by the respondents giving approval/  
acceptance of the resignation from 17.12.82;
- (2) to quash the impugned order dated 12.9.1989  
depriving him of the retiral benefits which  
accrued to him upto 18.3.1988;

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(3) to consider him to be in service upto 18.3.1988; and

(4) to pay penal interest on the outstanding dues.

2. According to the admitted factual position, though the applicant submitted his resignation on 14.12.1982, the same was accepted by the respondents by their office order dated 18.3.1988 w.e.f. 17.12.1982. He was not paid pension and other retirement benefits. There has also been inordinate delay in releasing the G.P.F. amount due to him.

3. According to the respondents, the applicant remained absent from 10.12.1982, and that the delay in accepting his resignation makes no difference as he is not entitled to pensionary benefits under Rule 26 of the C.C.S.(Pension) Rules, 1972. Rule 26 provides that "Resignation from a service or a post, unless it is allowed to be withdrawn in the public interest by the appointing authority entails forfeiture of past service".

4. We have carefully gone through the records of the case and have heard the learned counsel for both the parties. In view of the provisions of Rule 26 of the C.C.S.(Pension) Rules, 1972, the applicant would not be entitled to pension or other retirement benefits. During the hearing of this case, we have been informed by both Or

sides that the amounts towards G.P.F. have been paid to the applicant. In our opinion, the respondents should, in the interest of justice, pay to the applicant interest at the rate of 12% per annum on the G.P.F. amount till the date the cheque towards the principal amount was given to him. They should also give to him a statement of computation prepared by them. The respondents shall do so within a period of two months from the date of receipt of this order. The application is disposed of accordingly. There will be no order as to costs.

*D. Chakravorty* 22/1/92  
(D.K. Chakravorty)  
Administrative Member

*P.K. Kartha* 22/1/92  
(P.K. Kartha)  
Vice-Chairman(Judl.)