

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 674/91

(3)

New Delhi this the 10th day of May, 1999.

Hon'ble Shri S.R. Adige, Vice Chairman(A)
Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Vir Bhan Sood,
S/O Shri Ved Prakash
resident of 428 A Pocket-II
Mayur Vihar, Phase-1, Delhi
Retired Shop Superintendent Signal
Workshop, North Eastern Railway,
Gorakhpur Cantt(UP)

Presently working as Dy. General
Manager, Rail India Technical and
Economic Services Ltd., 27,
Barakhamba Road, New Delhi.

... Applicant

(None for the applicant)

Versus

1. Union of India through
General Manager, North Eastern
Railway, Gorakhpur(UP)
2. Chief Workshop Manager, Signal
Workshop, North Eastern Railway,
Gorakhpur, Cantt(UP)
3. Financial Adviser and Chief Accounts
Officer, North Eastern Railway,
Gorakhpur(UP)

... Respondents

(By Advocate Shri B.S. Jain)

O R D E R (ORAL)

(Hon'ble Shri S.R. Adige, Vice Chairman(A)

Applicant impugns the Respondents order dated
4/5-2-86 (Annexure A-4) to the extent it declares ~~the~~
permanent absorption in RITES retrospectively with effect
from 2.9.84 as illegal and arbitrary, and seeks a direction
that he be absorbed in RITES with effect from 5.2.86 with
consequential benefits.

2. Applicant, while holding lien on the post of a
Foreman in North Eastern Railway, proceeded on deputation
for a period of 3 years w.e.f. 2.9.81 to RITES, under the
administrative control of the Ministry of Railways, Railway
Board, New Delhi. The period of deputation was not extended,

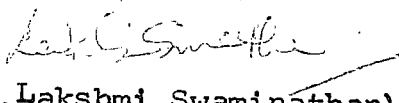
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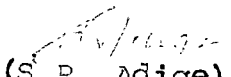
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nor any request was made to the parent department in that regard. However, about 8 months after expiry of the period of deputation letter dated 8.5.1985 was sent by RITES to G.M.(P), N.E.Rly.informing him about the decision to absorb applicant in RITES w.e.f. 2.9.84 and accordingly making a request to treat him as having retired from his parent office w.e.f. 2.9.84 with a view to his permanent absorption in RITES. The applicant also sent letter with a request to treat him as having retired with effect from 2.9.84 so as to facilitate his absorption with RITES w.e.f. that date. The proposal was accepted by N.E.Rly.vide their office order dated 4/5.2.86.

3. The question whether^{on}/the facts and in the circumstances of the case, the acceptance of applicant's resignation with retrospective effect was legally valid or not has been examined by the CAT Principal(Full) Bench in their order dated 1.3.99 in this very OA and it has been held that in the facts and circumstances of the case, the acceptance of the applicant's resignation with retrospective effect was valid.

4. In the light of the above, we find ourselves unable to grant the relief prayed for in the OA, which is accordingly dismissed. No costs.


(Smt. Lakshmi Swaminathan)
Member (J)


(S.R. Adige)
Vice Chairman(A)

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