

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

OA 674/91

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,

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 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.

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Member (J)

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

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