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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.No.1833/2004

Monday, this the 2nd day of August, 2004

Hon'ble Shri Justice V. S. Aggarwal, Chairman  
Hon'ble Shri S. K. Naik, Member (A)

Mrs. Asha Kalu  
c/o Shri V.K.Aima  
Sector 4/265, R.K.Puram  
New Delhi-22

..Applicant

(By Advocate: Shri N. Safaya)

Versus

1. Union of India  
through its Secretary  
Ministry of Defence  
South Block, New Delhi
2. Controller General of Defence Accounts  
West Block-V, Sector-1  
R.K.Puram, New Delhi
3. Principal Controller of Defence Accounts  
G-Block Hutments, K.Kamraj Marg  
New Delhi-11
4. Dy. Controller, Defence Accounts (Admn.)  
G-Block Hutments, K.Kamraj Marg  
New Delhi-11
5. Accounts Officer  
Office of the Principal  
Controller General of Defence Accounts  
G-Block Hutments, K.Kamraj Marg  
New Delhi-11

..Respondents

O R D E R (ORAL)

Justice V. S. Aggarwal:

By virtue of the present application, the applicant seeks quashing of the order of 2.7.2004 which reads:

"Subject:- Application for voluntary retirement.

The request as contained in your application dated 5.4.04 has been considered by the Competent Authority but the same cannot be acceded to till the finalization

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of disciplinary case.


You are, therefore, advised to submit fresh application for voluntary retirement on finalization of the disciplinary case against you."


2. Suffice to say that as per the applicant, she was seeking voluntary retirement and had served a notice in this regard. Two days before the expiry of the said period, disciplinary proceedings had been initiated against her. She had been served with the Articles of Charge and on that count, her request for voluntary retirement had been rejected till finalisation of the disciplinary proceedings.
3. The applicant assails the impugned order referred to above on certain pleas. We hasten to add that for the present, we do not intend to express in this regard.
4. It is in the backdrop recorded above that we felt that it would be appropriate in the first instance that applicant brings to the notice of the disciplinary authority all those facts and exhaust her remedies. This is for the reason that though not identical but in the case of Union of India & others v. Upendra Singh, 1994 (2) SLJ 77, the Supreme Court, in principle, held that enquiry has to be held by the disciplinary authority and granting relief at the initial stage would not be permissible and the petition would be premature.
5. Consequently the applicant may, if so advised, represent to the concerned authority.

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6. Subject to aforesaid, we dispose of the present petition keeping in view what we have recorded above.

7. We hasten to add that we are not expressing ourselves on the merits of the matter at this stage.

  
( S. K. Naik )  
Member (A)

  
( V. S. Aggarwal )  
Chairman

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