



**Central Administrative Tribunal
Principal Bench: New Delhi**

O.A. No. 2093/2021

This the 23rd day of September, 2021

Through Video Conferencing

**Hon'ble Ms. Manjula Das, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Namita Datta IAS (AGMU – 1991), aged 53
D/o Late D.L. Datta

C/o B.B.D. Bhargava 502, Sovereign #2,
Crimson Park West, Vatika City,
Sector 49, Sona Road,
Gurugram, Haryana.

Presently residing at 2303, Colonel Lindsay Court,
Falls Church, VA, 22043 (USA), (Group A)

...Applicant

(By Advocate: Shri Kamal Sehgal)

Versus

1. Union of India through Secretary,
Ministry of Personnel, Public Grievances and
Pensions,
Dept. Of Personnel & Training,
CGO Complex, New Delhi.
2. Secretary, Ministry of Home Affairs,
North Block, New Delhi.
3. Government of Delhi through Chief Secretary
Government of NCT of Delhi, Delhi Secretariat,
I.P. Estate, New Delhi.

...Respondents

(By Advocate: Shri Gyanendra Singh and
Shri H.A. Khan)



ORDER (ORAL)

Hon'ble Ms. Manjula Das, Chairman

This Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs:-

“i. Call for the records of the case and after perusing the same;

ii. direct the respondent No. 1 and 2 to consider and decide the representation of the applicant for compassionate allowance and other benefits and allow 2/3 of her compassionate allowance and 2/3 of gratuity that may have been due to her as per the provision of proviso of rule 5 (1) All India Service (DCV) Rule 1958 along with interest @ 18% from the date of accrual till the date of payment.

iii. Issue directions to the respondents to release the leave encashment, gratuity, pension and other retrial benefits to the applicant by accepting her representation dated 28.08.2020 along with interest @ 18% per annum from the date of accrual till actual realizations;

iv. Allow the instant OA with costs.”

2. Briefly stated, the facts of the case are that the applicant is an IAS Officer. She joined the service in the year 1991 and was allocated AGMU cadre. In 2005 applicant was selected as Governance Advisor in the World Bank at its Headquarters in Washington DC. Applicant was relieved vide order dated 23.12.2005 to take up the new assignment in World Bank at Washington DC for a period of three years.



She joined her new place of posting on 23.01.2006 at Washington DC. After completion of three years, the applicant requested for extension of time twice, which was allowed. Lastly on 30.12.2010 applicant sought further extension of six months till June 2011 but respondent No.1 granted extension till 22.01.2011 only. She made repeated requests for extension of time till June 2011 on the ground that academic session of her daughter was to end in June 2011, but her request was not acceded to, and she was directed to join duty at Arunachal Pradesh. When applicant did not join her duties, a memorandum dated 10.08.2011 was issued to her to explain the reason of her absence w.e.f. 23.01.2011 and non compliance of the direction issued by the Ministry. Thereafter, applicant made representation seeking voluntary retirement.

3. However, on 01.10.2012 applicant was allowed to join back her duties. When she did not join the duties, respondents passed order dated 04.02.2013 whereby the applicant was deemed to have resigned from Indian Administrative Service with immediate effect in terms of Rules 7 (2) of All India Service



(Leave) Rules, 1955. Applicant submits that she never received this order and again represented for voluntary retirement on 05.11.2015. She also sought for release of pensionary benefits. Her representation was rejected vide letter dated 18.01.2016. It is stated that at this stage she came to know about the order dated 04.02.2013 vide which she was deemed to have resigned from service in terms of Rule 7(2) of All India Service (Leave) Rules, 1955. Thereafter applicant filed OA No.1114/2020 before this Tribunal seeking quashing of order dated 04.02.2013. This OA was withdrawn by the applicant on 15.06.2020 and liberty was sought to make a representation for payment of grant of compassionate allowance. Applicant made a representation on 28.08.2020 to the respondents to consider her case for grant of compassionate allowance and other retiral benefits, but the same has not been decided yet. Hence this OA.

4. We have heard Sh. Kamal Sehgal, learned counsel for applicant, Sh. Gyanender Singh and Sh. H.A.Khan, learned counsel for respondents.



5. At the outset, learned counsel for the applicant Sh. Kamal Sehgal, fairly submitted that the applicant will be satisfied if her representation dated 28.08.2020 sent to the respondents, is decided in a time bound manner.

6. In view of the above, the OA is disposed of at the admission stage itself, without expressing any opinion on the merits of the case, with a direction to the respondents to decide the representation dated 28.08.2020 by passing a reasoned and speaking order, within a period of three months from the date of receipt of a copy of this order, under intimation to the applicant. Liberty is, however, granted to the applicant to approach this Tribunal, if she is not satisfied with the decision of the respondent authority. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman

/sd/vb/akshaya/