

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 1806 of 1992

Chhotey Lal

.... Petitioner

Versus

Union of India and Ors

.... Respondents

CORAM:

HON'BLE MR. MAHARAJ DIN, MEMBER(J)

HON'BLE MISS. USHA SEN, MEMBER(A)

(By Hon. Mr. Maharaj Din, Member(J))

The applicant has preferred this application for quashing the order dated 19.12.91, 5.2.92 and 25.11.92 (Annexures A1 to A3) respectively by which the acceptance of voluntary retirement of the applicant was communicated.

2. The applicant was working as Fitter H.S. Gr. II in 506, Army Base Workshop at Jabalpur. The applicant moved an application dated 28.11.91 seeking voluntary retirement from the service on account of the sudden death of his wife. It is stated that at the time[†] of death of his wife the applicant was mentally upset, therefore, he sought for voluntary retirement. But on the second thought he moved application dated 31.12.91 requesting for withdrawal of the voluntary retirement. Since the request of the applicant for withdrawal was rejected, therefore he has come before this Tribunal for redress.

3. The respondents have filed counter affidavit and resisted the claim of the applicant on the ground

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that since there was no material change in the circumstances, therefore the withdrawl was not accepted.

4. We have heard learned counsel for the parties and perused the record. The applicant has filed the order by which it was communicated that the notice of voluntary retirement of the applicant was accepted by the Commandant and accordingly he was informed that he would retire from service after expiry of three months notice period (Annexure A-1.). The applicant was also informed that the Appointing Authority had not accepted his request for withdrawal of ^{the} notice for voluntary retirement (reference letter dated 5.2.92 at Annexure A-2). The applicant was again informed that the order passed by the Appointing authority in this respect had already been communicated to him (reference letter dated 25.11.92 at Annexure A-3).

5. The applicant being aggrieved by the order of the Appointing authority who is a Commandant in his case preferred appeal/representation on 12.2.92 against the rejection of the withdrawl of the notice for the voluntary retirement followed by reminders which is still pending for disposal. Undue delay has been caused in disposal of appeal/representation and during the course of argument it has been stressed that a direction may be issued to respondents to decide the appeal/representation within a specified period.

5. In view of these observations, we dispose of the application with the direction to the respondents to

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dispose of the appeal/representation(Annexure A-6) within a period of three months from the date of communication of this order.

6. There shall, however, be no order as to costs.

Usha
Member (A)

J
Member (J)

Dated: 14th Feb: 1994:

Uv/