

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

[REDACTED]

AHMEDABAD BENCH

O.A. No. 186  
1986.  
[REDACTED]

DATE OF DECISION 21.08.1989.

Bhikhhalal Nanjee Petitioner

Mr. M.D. Rana. Advocate for the Petitioner(s)

Versus

The Divisional Rail. Manager, Respondent  
Bhavnagar.

Mr. D. K. Vyas. Advocate for the Respondent(s)

## CORAM :

The Hon'ble Mr. P. M. Joshi .. Judicial Member.

The Hon'ble Mr. M. M. Singh .. Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

Bhikhalal Nanjee,  
Ex Gateeman, Residing  
at Railway Quarter, Dhoraji,  
District: Rajkot

... PETITIONER

( Advocate: Mr. M. D. Rana )

V/s.  
Union of India, through,  
General Manager, W.Rly,  
Churchgate, Bombay.

The Divisional Railway Manager,  
Western Railway, Bhavnagar Division,  
Bhavnagar.

... RESPONDENT.

(Advocate: Mr. D. K. Vyas )

CORAM :	Hon'ble Mr. P. M. Joshi	.. Judicial Member.
	Hon'ble Mr. M. M. Singh	.. Administrative Member.

O R A L - O R D E R

O. A. 186/86.

21.08.1989.

Per : Hon'ble Mr. P. M. Joshi .. Judicial Member.

The petitioner Shri. Bhikhalal Nanjee, of Dhoraji, has filed this application under Section 19 of the Administrative Tribunals Act, 1985 on 29.7.86. According to him, he was initially appointed as a gateman at Dhoraji under Bhavnagar Division and after his long service of 29 years, he submitted <sup>an</sup> application seeking "voluntary retirement" vide application dt. 28.7.81 ( Annexure 'D' ) which reads as under :

To,

The Divisional Personnel Officer,  
Western Railway, Bhavnagar Division,  
Bhavnagar-Para.

Sir,

I have been serving as Gateman in Dhoraji.

2. I have completed over 29 years in service.

I hereby give three months notice declaring that I am to retire from Railway Service.

3. I shall be therefore retiring from service from 8.10.81 after office hours. This may be treated as a Notice letter to retire from service.

Yours faithfully,

( Bhikha Nanjee )  
Gateman.  
Dhoraji. "

It is alleged by the petitioner that the respondents have failed to take necessary decision in respect of his application and he has been unreasonably denied retiral benefits. The petitioner, therefore, prayed that the respondent be directed to pay all pensinary benefits under law, with interest.

The respondents have contested the application and denied the allegations made against them. According to them the petitioner had tendered a notice of voluntary retirement but he failed to follow the required procedure in submitting the same through proper channel. It was further contended that the petitioner was informed by letter dt. 4.4.84 to submit his resignation through proper channel and that the conditional resignation for railway service cannot be accepted.

When the matter came up for final hearing, we have heard Mr. Rana and Mr. Vyas the learned counsel for the petitioner and respondents respectively. We have also <sup>R</sup> perused the materials placed on record. The grievance of the petitioner in our opinion can be adequately met with, by passing or issuing the following directions. While doing so, we note that the petitioner is a Class- IV employee and

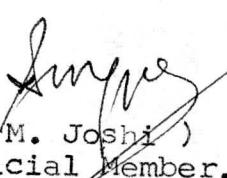
somehow or other his request for voluntary retirement has not been attended squarely and in good time.

: O R D E R :

1. The respondents are hereby directed to treat the present application, as supplementary application for voluntary retirement, in addition to his original application Annexure 'B' dt. 28.7.81 and accordingly he is deemed to have retired, 3 months thereafter.
2. On the basis of the aforesaid direction, the respondents are further directed to fix all the admissible retiral benefits due to the petitioner within 3 months, from the date of this order.
3. In case, the respondents fail to comply with the aforesaid direction, they shall pay interest on the amount due to the petitioner from that date( i.e. date of default) at the rate of 12% per annum.

With the aforesaid directions, the application stands disposed of with no order as to costs.

M. M. Singh  
( M. M. Singh )  
Administrative Member.

  
( P. M. Joshi )  
Judicial Member.

\*Raval.