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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

O. A. No. 09/Jodhpur/2012

Date of decision: 09.08.2012

CORAM :

HON'BLE MR. G. SHANTHAPPA, JUDICIAL MEMBER

HON'BLE MR. B.K.SINHA, ADMINISTRATIVE MEMBER.

S.K.Sajwani S/o Shri P.P.Sajwani aged about 47 years, resident of Plot No. 8, Balaji Nagar, Behind SBI Branch, Boranada, Jodhpur, at present employed on the post of UDC (MES No. 184590) in the Office of CWE (Army), Multan Lines, Army Area, Jodhpur.

.....Applicant

[Mr. J.K.Mishra, Advocate]

Versus

1. Union of India through Secretary Ministry of Defence, Government of India, Raksha Bhawan, New Delhi.
2. Headquarters, Chief Engineer, MES, Southern Command, Pune - 411 001.
3. Headquarters Chief Engineer, MES, Bhopal Zone, Sultania Infantry Lines, Bhopal.
4. Commander Works Engineer, Army, Multan Lines, Jodhpur.

.....Respondents

[Mr.Niranjan Mathur for Mr. Kuldeep Mathur, Advocate]

ORDER

[PER HON'BLE MR. G. SHANTHAPPA, JUDICIAL MEMBER]

We have heard the learned counsel for the respective parties.

2. The above application is filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the relief of direction to treat the applicant as retired from service from 31.12.2011 i.e. on expiry of notice period for voluntary retirement and allow all consequential benefits including the period of his working from 1.1.2012 and onwards till he continues as such, as re-employment after retirement.
3. The applicant initially appointed to the post of Mazdoor on 08.09.1983. He was re-classified as LDC from 04.11.1987. After rendered 28 years of service, he wants to go on voluntary retirement. For that he has submitted his representation to the



respondents competent authority for voluntary retirement. Though, the notice period was expired, no reply was received by him. Hence, he has filed the present O.A. for the reliefs as prayed for.

4. The counsel for the respondents opposed the O.A. on the ground that the applicant cannot be allowed to retire on voluntarily. The learned counsel stated that he has sent reply statement for vetting and orally he has opposed the application and prayed that the O.A. may be dismissed since the applicant has no legal right of voluntary retirement.

5. We have considered the submissions from either side. Admittedly, no departmental proceedings are pending against him and the applicant has served for 28 years with un-blemished service when he wants to go on voluntary retirement. The applicant wants to go on voluntary retirement for his personal reasons but, his request has not been considered. He has submitted his representation and also issued a notice for voluntary retirement that has not been considered by the respondents. Accordingly, we direct the respondents competent authority to consider the representation and issue necessary orders on the grievance of the applicant within a period of two months from the date of receipt of a copy of this order.

6. With the above observations, the O.A. is disposed of with no order as to costs.


(B.K. Sinha)
Administrative Member


(G. Shanthappa)
Judicial Member

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