



**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 508 of 2006

Monday..., this the 26th day of March, 2007

C O R A M :

HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

Dr. N.P. Hrishi,
(Former Director of CTCRI, Trivandrum),
BN/202, Bapuji Nagar,
Trivandrum.

... Applicant.

(By Advocate Mr. Pirappancode V.S. Sudheer)

v e r s u s

1. The Union of India, represented by
The Secretary to Government,
Department of Agriculture, Research
and Education, Krishi Bhavan, New Delhi
2. The Director General,
Indian Council of Agricultural Research,
Krishi Bhavan, New Delhi : 110 001
3. The Secretary, Government of India,
Department of Pensions and Pensioner's Welfare,
Ministry of Personnel, Public Grievances and
Pensions, New Delhi - 110 001 ... Respondents.

(By Advocate Mr. T.P. Sajan for R-2 & Mrs. Mini R. Menon for R1 & R3)

The Original Application having been heard on 14.03.07, this Tribunal
on 26-3-07 delivered the following :

O R D E R
HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

Undaunted by two successive failure the applicant has tried his luck in
the third round. Earlier he had filed OA No. 1021/91 praying for pension for his

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services of 23 years plus rendered in the respondents' organization. That having been disposed of by the Tribunal, vide Annexure A-6 order dated 8-04-1993, whereby the respondents were directed to review their earlier decision, and the respondents having rejected the claim of the applicant vide Annexure A-7 order dated 25-11-1993, he had filed another OA No. 155/94 when apart from challenging the administrative decision rejecting his claim, the applicant had challenged Rule 26 of the CCS Pension Rules as well. This OA was dismissed vide Annexure A-9 order dated 18-04-1995, and even Review No. 41/95 was dismissed and the applicant had moved the Apex Court in SLP(C) No. NII, CC No. 4821/95, which was, by Annexure A-10 order dated 10-11-1995 dismissed. Undaunted by these failure, the applicant approached the Hon'ble Minister for Agriculture for relief vide Annexure A-11 representation dated 10-07-1998. However, there was no favourable response to the same. The applicant had later renewed his request in 2004 and by Annexure A-23 order dated 04-01-2005 the respondents have once again rejected the claim. Now this OA has been filed by the applicant stating that in all the earlier attempts both administratively and judicially, he did not request for withdrawal of his resignation tendered in 23-11-1981 and the applicant through this OA has prayed that the department be directed to permit the applicant to withdraw his resignation letter dated 23-11-1981 and to afford him pension for the past services of 23 years plus.

2. Respondents have contested the OA on twin grounds – (a) Limitation and (b) that there is no provision to grant such permission to the applicant.



3. Counsel for the applicant submitted that the applicant's 23 years of service would have certainly yielded him pension but for his resignation having been tendered in 1981. However, if he is permitted to withdraw the resignation, he would be able to derive the benefit of his past services. He had invited the attention of the Tribunal to an order of the Lucknow Bench in OA No. 353/1994 (Om Prakash Singh Maurya vs Union of India) where the Tribunal had, vide Annexure A 19 order dated 14-09-1998 held that on acceptance of resignation, the past services were stated to have not been forfeited and the applicant therein was entitled to pension.

4. Arguments were heard and documents perused. Limitation ~~stares~~ at the very face of the O.A. Though the learned counsel tried to justify that no res judicata arises in this case, the same cannot be accepted, since the ultimate attempt is only to get pension and earlier without seeking permission to withdraw the resignation, the applicant tried twice and having not found success in his attempt, now the applicant wants the department to permit him to withdraw the resignation tendered by him in 1981. Hopelessly belated attempt! The Apex Court in the case of V. K. Ramamurthi vs Union of India, (1996) 10 SCC 73, had occasion to deal with the case of switching over from contributory Provident Fund to Pension, in respect of the petitioner who retired in 1972 and applied for such conversion in 1986 and the same not having been granted by the Railways, approached the Apex Court in 1996 but on account of inordinate delay, the Apex Court has rejected the petition. Thus, delay and laches are

factors to reckon with when the case has to be considered. Of course, in a number of cases, where delay was involved, though the Apex Court has held that liberal view be taken in matters of condonation of delay where the case is meritorious, in the instant case, even on merit, it cannot be said that the applicant has any case. Permission to withdraw could at best be immediately before the date of acceptance of resignation or could be stretched upto the level of the actual date of resignation. Seeking permission to withdraw resignation after a score and five years, under no circumstance, be permissible.

5. Thus, both on delay and on merit, the OA stands dismissed. Under the circumstances, there shall be no order as to costs.

(Dated, the 26th March, 2007)



Dr. K B S RAJAN
JUDICIAL MEMBER

CVR.