

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

XXVXXXXXXXXXXXX

NEW BOMBAY BENCH

O.A. No.
T.A. No.

553 of

198 7.

DATE OF DECISION 1.10.1987

Pandurang Narahri Phadke

Petitioner

Mr.D.V.Gangal

Advocate for the Petitioner(s)

Versus

Union of India & Another

Respondent

Department of Atomic Energy Commission,
Bombay - 400 094.

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr.J.G.Rajadhyaksha, Member (A)

The Hon'ble Mr.M.B.Mujumdar, Member (J)

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*

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

Original Application No.553/87

Pandurang Narahri Phadke,
Sindu Nivas, Room No.4,
Datta Mandir Road,
Balwadi, Santacruz,
Bombay - 400 055.

.. Applicant

Vs

1. Union of India
through
Chairman,
Atomic Energy Commission,
Department of Atomic Energy,
Anushakti Bhavan,
Bombay - 400 094.

2. The Director,
Construction & Service Group,
Anushakti Nagar,
Bombay - 400 094.

.. Respondents.

Coram: Hon'ble Member (A) Shri J.G.Rajadhyaksha.
Hon'ble Member (J) Shri M.B.Mujumdar.

Appearance:

Mr.D.V.Gangal
Advocate for the applicant.

ORAL JUDGMENT

Date: 1-10-1987

(Per J.G.Rajadhyaksha, Member (A))

We have heard Mr.D.V.Gangal for the applicant at length. The application under section 19 of the Administrative Tribunal's Act, 1985 seeks certain reliefs primarily by way of grant of pensionary benefits as the applicant has completed 20 years of service prior to his resignation. By way of interim relief also the applicant has ~~also~~ requested us to hold and declare that he is entitled to pensionary benefit with effect from 21-8-1985.

2. The applicant was employed in the Atomic Energy Commission as a Tradesman 'C'. From the annexures to the application, particularly pages 24 onwards it is seen that on 26-11-1984 the applicant proceeded on medical leave and

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continued to be on leave. Page 26 shows that on 23-6-1985, for reasons of ill health he submitted his resignation of the post held by him in the department. Page 27 shows that the said resignation submitted by the applicant on 23-6-1985 has been accepted and made effective from the afternoon of 23.6.1985 by an order dated 21st August, 1985 issued by the Administrative Officer.

3. A reference to CCS(Pension) Rules will clarify that according to rule 26, resignation entails forfeiture of past service. Since this is ^{an unconditional} resignation, there is no question of past service remaining in existence and as such there can also be no question of any qualifying service at the credit of the applicant which would entitle him to any pension or any other retirement benefits.

4. He may, of course, be eligible to withdraw provident fund standing at his credit, as also benefits such as encashment of Earned Leave at his credit but beyond that he is not entitled to any benefits whatsoever. He may claim these and get them from the Department.

5. In the circumstances, we do not find any merit in the application and, therefore, we summarily reject it.

(J.C.RAJADHYAKSHA)
Member(A)

(M.B.MUJUMDAR)
Member(J)