

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 279 OF 2000

MONDAY, THE 26TH DAY OF FEBRUARY, 2001

SHRI JUSTICE ASHOK AGARWAL.  
SMT. SHANTA SHASTRY.

... CHAIRMAN  
... MEMBER (A)

Shri Brij Bhushan Guta,  
C/20, 1/1 Vaitarnma Co- Op. Society,  
Sector 15, Airoli,  
Navi Mumbai.

... Applicant

By Advocate Shri R.P. Saxena

Vs.

1. Union of India, through  
The Director General Research  
& Development, Govt. of India,  
Ministry of Defence,  
Defence R & D Orgn. Headquarters,  
New Delhi-11.
2. The Director,  
Govt. of India, Ministry of Defence,  
Defence Research & Development Orgn.,  
Defence Metallurgical Research  
Laboratory, P.O. Kanchanbagh,  
Hyderabad-500 258.
3. The Secretary,  
DMRL Employees Co-Operative  
Credit Society,  
Defence Metallurgical Research Laboratory,  
P.O. Kanchanbagh,  
Hyderabad-500 258. ... respondents.

By Advocate Shri R.K. Shetty.

O R D E R (ORAL)

Shri Justice Ashok Agarwal.

Chairman

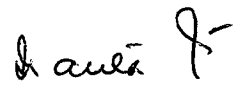
The present OA has been instituted by the applicant based on a notice of voluntary retirement issued by him on 15th February, 1993. According to the applicant, he had stood retired after expiry of 3 months period of notice of voluntary retirement with effect from 14th May, 1993. Based on the aforesaid retirement, he has claimed retiral benefits. The


respondents have denied that the applicant has retired with effect from 14th May, 1993 as claimed. On the contrary the aforesaid notice of voluntary retirement has been rejected by the respondents by a specific order issued on 14th May, 1993 at Exhibit-A. The respondents have further pointed out that applicant in pursuance of ~~A~~ disciplinary proceedings conducted against him has been dismissed from service by an order passed on 6th May, 96. After the aforesaid order of dismissal was ~~made~~ <sup>passed</sup> the applicant preferred an appeal which appeal was also dismissed by an order passed on 6th September, 96. ~~Even~~ After rejection of the notice of retirement on 14th May, 93 ~~the~~ applicant has, by his communication dated 26th January 94 ~~had~~ <sup>addressed</sup> ~~offered~~ <sup>offered</sup> to 3rd respondent <sup>L</sup> to rejoin duty. It is in these circumstances ~~that~~ his claim of having retired from 14th May, 93, ~~if cannot be accepted.~~ in our view, <sup>L</sup> the case of the applicant would be covered by clause (ii) of Rule 48A of CCS (Pension) Rules. Notice of voluntary retirement will not take effect unless it is accepted by the appointing authority. Apart from the same <sup>not having been</sup> ~~being~~ accepted we have a specific order of rejection of 14th May, 93. In the circumstances, the claim of the applicant that he has voluntarily retired and his further claim for pensionary benefits based on the aforesaid retirement is devoid of merits. Moreover the present OA which has been filed on 31st March 2000 in respect of a claim arising in 1993 and 1996, is hopelessly

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barred by limitation. Present OA, in the circumstances is dismissed. No costs.

  
(SHANTA SHASTRY)  
MEMBER (A)

  
(ASHOK AGARWAL)  
CHAIRMAN

Gaja