

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 144 of 2001.

Dated this Monday, the 1st day of October, 2001.

Smt. Usha Prasad, Applicant.

Shri Suresh Kumar, Advocate for the
Applicant.

VERSUS

Union of India & Another, Respondents.

Shri S. S. Karkera for Advocate for
Shri P. M. Pradhan, Respondents.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

- (i) To be referred to the Reporter or not ? ☒
- (ii) Whether it needs to be circulated to other ☒
Benches of the Tribunal ?
- (iii) Library. ☒


(B.N. BAHADUR)
MEMBER (A).

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ORIGINAL APPLICATION NO.: 144 of 2001.

Dated this Monday, the 1st day of October, 2001.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

1. Smt. Usha Prasad,
W/o. Late Shri B. B. Prasad,
Flat No. 1361/37, Sector-7,
Antop Hill, Mumbai - 400 037.
2. Sushil Prasad,
S/o. Late Shri B. B. Prasad,
Flat No. 1361/37, Sector-7,
Antop Hill, Mumbai - 400 037. ... Applicants.

(By Advocate Shri Suresh Kumar)

VERSUS

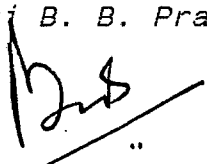
1. Union of India through
The Accountant General,
Ministry of Finance,
Block No. 2, Deptt. of
Expenditure, Trikut Complex,
Bhikhaji Cama Complex,
New Delhi - 110 006.
2. Sr. Accounts Officer,
Indian Audit & Accounts Deptt.,
O/o. the Accountant General
Maharashtra, New Marine Lines,
101, Maharshi Karave Road,
Mumbai - 400 020. ... Respondents.

(By Advocate Shri S. S. Karkera for
Shri P. M. Pradhan).

O R D E R (ORAL)

PER : Shri B. N. Bahadur, Member (A).

This is a joint application made by Smt. Usha Prasad,
(wife of late Shri B. B. Prasad) and Sushil Prasad, S/o. late
Shri B. B. Prasad, seeking the reliefs as follows :



"a) To hold and declare that action of the respondents in not accepting the withdrawal notice of voluntary is illegal and arbitrary.

b) To hold and declare that the LATE SHRI B.B. PRASAD, was continue to be in service after 1.5.2000 to 20.9.2000.

c) To hold and declare the family/applicants is entitled to all the benefits on the premises that the LATE SHRI B. B. PRASAD, has expired while in service.

d) To hold and declare that the applicant no.2 is entitled for compassionate appointment.

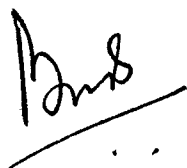
d(i) Applicants be allowed to file joint application.

(e) This Hon'ble Tribunal may be pleased to grant any other relief to which the applicant may be found entitled and in this respect, may pass any such order or direction on suitable writ as deem fit.

(f) Cost of this application may be provided for."

2. The facts of the case are in a short compass, in that, the husband of Applicant No. 1, Shri B. B. Prasad, had applied for voluntary retirement from service w.e.f. 30.04.2000. The application was made on 27.01.2000. On 03.04.2000 Late Shri Prasad, applied for withdrawal of his application through letter dated 03.04.2000 [Annexure A-1(a) page 11]. This was rejected vide impugned order at exhibit A-1 dated 19.04.2000 stating that "the Accountant General is not inclined to permit you to withdraw your notice of Voluntary retirement for some administrative reason."

3. The Respondents have filed a written reply where he states that the Applicants have no locus standi to challenge the



letter, as the impugned letter is not addressed to them nor are any service conditions involved viz-a-viz the Applicants. The facts are then set out in the Written Statement trying to defend the action in rejecting the application. The further portion of the Written Statement attempts to meet the averments of Applicants in the O.A., parawise.

4. I have heard the Learned Counsel for the Applicants, Shri Suresh Kumar and Shri S. S. Karkera for Respondents.

5. At the outset, it is clear that, per se, the rejection of the application for withdrawal of voluntary retirement notice is clearly illegal in terms of the ratio decided by the Hon'ble Supreme Court in the matter of Balram Gupta V/s. Union of India reported at 1988 SCC (L&S) 126. No discussion is needed to conclude that the action of the Respondents in rejecting this application is clearly wrong and the choice of words in rejecting the application is also regrettable and the phrase "some administrative reason" smacks of lack of application of mind and lack of knowledge of the law on behalf of the Respondents. The ratio was decided some 12 to 13 years ago and it is regrettable that Respondents still do not know the clear ratio.

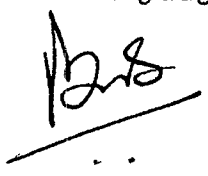
6. The crucial question that arises in this case is, however, different. The Learned Counsel for Respondents argues and reiterates the point that the Applicants in the case have no locus standi to come up before the Tribunal. The decision in the

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matter of Smt. Vidhata R. Verma V/s. Union of India & Others [1998 (2) ATJ 506] by the Full Bench of this Tribunal is cited by him in support of his argument. Learned Counsel, Shri Suresh Kumar, argued that well as the judgement exists, it is under stay by the Hon'ble High Court of Bombay. Be that as it may, we have this petition before us as also the objection of Respondents to the effect that clearly the application suffers from the legal defect of seeking multiple reliefs.

7. Let us examine the locus standi of the Applicants viz-a-viz the facts of this particular case. On being questioned as to what would be the benefit that would accrue in case the impugned order/letter was quashed, the Learned Counsel, Shri Suresh Kumar said that substantially it would open the door for legal heirs to atleast apply for compassionate appointment. At the first instance I will say that the prayer for compassionate appointment is not being considered here since it forms multiple reliefs. Therefore, it is clear that even if this limited grievance of the Applicants remain, it will be only to the extent of seeking a right to apply for compassionate appointment.

8. It is clear that on any other count the Applicants' application is hit by the principle enunciated in the Full Bench judgement in the case of Vidhata Verma (supra).



9. Under the circumstances, it would meet the ends of justice in this case if we allow the Applicants liberty to make an application only for the cause of compassionate appointment where the issue of her locus standi would be left open only to that limited extent. Barring this, this application is not maintainable.

10. The application is, therefore, disposed of in terms of the orders/directions in the preceeding paragraph. There would be no order as to costs.



(B. N. BAHADUR)
MEMBER (A).

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