

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 69/94

Transfer Application No:

DATE OF DECISION 25.8.1994

M.R.Gupta

Petitioner

Shri H.A.Sawant.

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Shri N.KSrinivasan.

Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman.

The Hon'ble Shri

1. ~~Whether Reporters of local papers may be allowed to see the Judgement ?~~
2. To be referred to the Reporter or not ? *no*
3. ~~Whether their Lordships wish to see the fair copy of the Judgement ?~~
4. Whether it needs to be circulated to other Benches of the Tribunal ? *no*


(M.S.DESHPANDE)
VICE-CHAIRMAN

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(5)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH, BOMBAY.

Original Application No. 69/94.

M. R. Gupta.

.... Applicant.

V/s.

Union of India & Ors.

.... Respondents.

Coram: Hon'ble Shri Justice M.S. Deshpande, Vice-Chairman.

Appearances:-

Applicant by Shri H.A. Sawant.

Respondents by Shri N.K. Srinivasan.

Oral Judgment :-

[Per Shri M.S. Deshpande, Vice-Chairman] Dt. 25.8.1994.

The applicant was appointed with the Respondents on 28.10.1957 and applied for voluntary retirement by giving three months notice on 19.5.1993. The period of 90 days would have expired on 18.8.1993 but the applicant sent a letter on 28.6.1993 withdrawing the notice of voluntary retirement and he had also sent reminder on 29.7.1993 to the Respondents requesting them to allow him to withdraw the notice of retirement. The respondents sent a letter of acceptance to the applicant on 18.8.1993 i.e. the day on which the period of notice would have expired.

2. In the notice of voluntary retirement (Annexure A-1) the applicant had stated that he was not in a position to work peacefully and concentrate on the day-to-day railway working. By the letter dt. 28.6.1993 the applicant stated that due to the change in the family circumstances and increased social obligations which came up due to some developments he was compelled to request for withdrawal of the voluntary retirement application and if he was not allowed to withdraw the notice his problems would

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be enhanced, this position was reiterated also in the reminder dt. 29.7.1993. The respondents did not give any reason for not granting leave to the applicant to withdraw the notice of voluntary retirement. The letter dt. 5.7.1993 only says that the case was put up before the competent authority who has not agreed to the request.

3. The learned counsel for the applicant relied on the observations of the Supreme Court in Balram Gupta V/s. UOI & Another (SLJ 1988(1) 79) where in an identical case it was held to the effect that what is important in this connection to be borne in mind is not what prompted the desire for withdrawal but what is important is what prompted the Government from withholding the withdrawal. It was also observed that it may be a salutary requirement that a Government servant cannot withdraw a letter of resignation or voluntary retirement at his sweet will and put the Government into difficulties by writing letters of resignation or retirement and withdrawing the same immediately without rhyme or reasons. The approving authority who has the statutory authority must act reasonably and rationally. There is no indication that this was done in the present case.

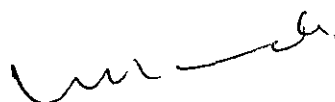
4. In the result, the application is allowed. The order refusing to grant leave to the applicant to withdraw his voluntary retirement is quashed and the respondents are directed to reinstate the applicant to his job with all consequential benefits on the basis

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that he was on the job from 18.8.1993. The period between 19.5.1993 and 18.8.1993 shall be reckoned as leave as may be admissible to the applicant. The Respondents will implement this order within three months from the date of receipt of a copy of this order.



(M. S. DESHPANDE)
VICE-CHAIRMAN

B.