

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH,
JAIPUR.

TA No. 1572/86

Date of Decision : 17.9.92

SHEO CHAND
Mr.M.S.Gupta

... APPLICANT.
... COUNSEL FOR THE APPLICANT.
VERSUS

UNION OF INDIA & ORS....
Mr.Manish Bhandari ...

RESPONDENTS.
COUNSEL FOR THE RESPONDENTS.

CORAM :

HON'BLE MR.B.B.MAHAJAN, ADMN. MEMBER
HON'BLE MR.GOPAL KRISHNA? JUDL.MEMBER

PER HON'BLE MR.B.B.MAHAJAN, ADMN. MEMBER :

Sheo Chand has filed this civil suit in the Court of Learned Munsif, Jaipur East for challenging the order dated 8.5.82 passed by the respondents by which the acceptance of his notice of voluntary retirement was cancelled. The suit has been transferred to this Tribunal under Section 29 of the Administrative Tribunals Act, 1985 and has been registered as T.A. The respondents have filed the reply.

2. The admitted fact in this case is that the applicant had served notice on the respondent No.2 on 25.8.81 that he would voluntary retire from service on 24.11.81. He was informed by the respondent no.2 on 9.9.81 that his application for voluntary retirement was being accepted with the condition that this application was treated as three months' notice and he would be treated as having retired on the

afternoon of 24.11.81. Thereafter, Respondent no.2 also asked the Permanent Way Inspector of Fatehpur Sekhawati to send the pension papers of the applicant after getting them filled. Subsequently, however, by letter dated 8.5.92, Respondent No.2 informed the applicant that the previous order accepting his notice of voluntary retirement is being treated as cancelled and he should join the duty immediately and in case he does not join the duty he can submit resignation. A copy of this letter has not been placed on the record. The learned counsel for the applicant has shown today an uncertified copy of that letter which does not indicate any reasons for cancelling the earlier letter of acceptance of the notice of voluntary retirement. The respondents have stated in para 10 of their reply that as the plaintiff has not completed 20 years of service he could not have sought voluntary retirement under the rules. The learned counsel for the applicant has admitted the legal position that the applicant could not seek voluntary retirement if he has not completed 20 years of qualifying service but he ~~had sought~~ has asserted that the applicant had completed 20 years of qualifying service on the date from which he had sought voluntary retirement. The respondents have not indicated in the reply the details of the applicant's service to substantiate their contention.

3. In view of the above discussion, we allow this application and quash the order dated 8.5.82 as no reasons for cancellation of the order accepting the

notice of voluntary retirement have been indicated therein. Notice of voluntary retirement once it has been accepted becomes final and cannot be subsequently revoked. We direct that the respondents shall verify the qualifying service rendered by the applicant before his date of voluntary retirement and in case he has completed 20 years of qualifying service he shall be paid retirement benefits as due to him under the rules from the date of voluntary retirement. The arrears on this account shall be paid within six months. In case the applicant has not completed 20 years of qualifying service before his date of voluntary retirement, he shall not be entitled to any retirement benefits and in that case, the respondents will inform the applicant accordingly, indicating the details of qualifying service rendered by him.

No orders as to costs.

G.Krishna
(GOPAL KRISHNA)
Member (Judl.)

B.B. Mahajan
(B.B. MAHAJAN)
Member (Admn.)

Shashi/