

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

TA 716/86
Writ 1958/85

: Date of order 19.4.94

Suresh Chandra

: Applicants

V/s

Union of India & Ors

: Respondents

Mr. P.V. Calla

: Counsel for the applicant

Mr. U.D. Sharma

: Counsel for the respondents

CORAM

Hon'ble Mr. Justice D.L. Mehta, Vice Chairman.

Hon'ble Mr. B.B. Mahajan, Member (Administrative)

AS PER HON'BLE MR. B.B. MAHAJAN, MEMBER (ADMINISTRATIVE).


Shri Suresh Chandra filed this writ petition in the Rajasthan High Court praying for direction to the respondents to treat him continuing in service and pay him all consequential benefits including the due amount of salary. The same has been transferred to this Tribunal u/s 29 of the Administrative Tribunals Act and registered as TA No. 716/86.


2. The applicant was transferred from the post of Superintending Surveyor from Jaipur to Ajmer. He made certain representations against that transfer. Vide letter dated 3.5.84 (Exhibit-5) while mentioning his personal problem because of transfer, he had stated that if his staying at Jaipur for a few years is not possible, he will have no option but to take voluntary retirement. He was informed vide letter dated 13.7.84 (Exhibit-9) that this letter cannot be treated as three months notice of voluntary retirement and that if he wants retirement voluntarily, he should send unconditional notice. Thereafter he send a letter dated 14.1.85 (Exhibit-15) along with the covering letter Exhibit-14 of the same date saying that he is unable to serve the Government of India and he is seeking voluntary retirement and was giving three months notice from 14.1.85. Further request was made that he may be relieved from 15.4.85 or as early as possible before that date. The Department of Science & Technology, Government of India

informed the Surveyor General on 23.2.85 (Exhibit-16) that there was no objection to the acceptance of the notice of retirement by the applicant, seeking retirement from the service w.e.f. 15.4.85. The learned counsel for applicant has stated that no formal order accepting the notice of voluntary retirement had been issued. He has referred to certain communication vide Exhibit nos. 18, 19 and 20 but in none of these communications, the applicant had stated that he was withdrawing his request for voluntary retirement or any permission had been sought for withdrawal of the notice for voluntary retirement.

3. In the circumstances, the applicant must be deemed to have voluntarily retired on expiry of his notice period i.e. on 15.4.85. He will naturally be entitled to his dues till his date of voluntary retirement viz. 15.4.85 and the retirement benefits admissible to him on his voluntary retirement on 15.4.85. However, no prayer for relief ^{in respect} ~~except~~ of those dues has been made in this petition. The prayer in the writ petition was to treat him to be continuing in the service and pay all consequential benefits including the due amount of salary. In view of the above discussion, the plea for continuing in service after 15.4.85 cannot be accepted and the question of any consequential benefits does not arise.

4. The writ petition/TA is accordingly dismissed, with no order as to costs.


(B.B. Mahajan)
Member (A)


(D.L. Mehta)
Vice-Chairman