

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

Date of Order : 02.06.2004

Original Application No. 525/2003.

Mrs. Alka Agarwal D/o Shri S.M. Goyal, aged about 46 years, Resident of 52/4, Agrasen Nagar, Near Old Prabhat Talkies, Ajmer (Rajasthan).

... Applicant.

v e r s u s

1. Kendriya Vidyalaya Sangathan through its Commissioner, 18, Shaheed Jeet Singh Marg, New Delhi.
2. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, 92, Gandhi Nagar Marg, Bajaj Nagar, Jaipur.

... Respondents.

None is present for the applicant.
Mr. V. S. Gurjar counsel for the respondents.

CORAM

Hon'ble Mr. M. L. Chauhan, Judicial Member.
Hon'ble Mr. A. K. Bhandari, Administrative Member.

: O R D E R (ORAL) :

The applicant has filed this Original Application thereby praying that her application for voluntary retirement may be accepted as she has already served three months notice to the respondents and no refusal has been conveyed by the respondents to the effect. According to the applicant in view of the Provision contained in Proviso to Rule 48 (A) of the CCS (Pension) Rules, the applicant shall be deemed to have been voluntary retired from service.

2. Respondents have filed MA No. 135/2004

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thereby stating that vide order dated 03.02.2004 applicant's request for resignation has been accepted as her request for voluntary retirement could not be considered since the applicant did not fulfil the requirement/condition under Rule 56 of FRSR. In view of this development, the present OA does not survives.

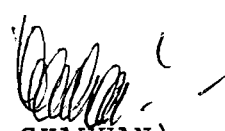
3. When the matter was listed before this Tribunal on 22.04.2004, it was adjourned on the request of learned counsel for the applicant for filing the reply to the MA filed by the respondents.

4. The applicant has neither filed reply nor he is present today.

5. In view of subsequent development, we are of the view that the present OA does not survives. In case the applicant is aggrieved by the order dated 03.02.2004 passed by the respondents, he is at liberty to agitate the matter afresh and this order will not come in her way. With these observations, the OA is disposed of.

6. In view of the order passed in OA No.525/2003, MA No.135/2004 does not survives and dismissed accordingly.


(A.K. BHANDARI)
MEMBER (A)


(M. L. CHAUHAN)
MEMBER (J)