

CENTRAL ADMINISTRATIVE TRIBUNAL  
JABALPUR BENCH  
JABALPUR

O.A. NO. 718/1999

Jabalpur, this the 12th Day of November, 2003

HON'BLE SHRI SARWESHWAR JHA, MEMBER (A)  
HON'BLE SHRI BHARAT BHUSHAN, MEMBER (J)

D.N. Chourasia,  
S/o Shri Gopal Dasjee Chourasia,  
Diesel Mechanical Grade I,  
Diesel Shed,  
New Katni Jn.  
R/o Hiragunj, Katni,  
M.P. ... Applicant

(By Advocate: Shri M.R. Chandra)

VERSUS

1. The Union of India, through the General Manager, Central Railway Mumbai, Maharashtra State
2. Sr. D.M.E. (Diesel), Central Railway, New Katni Junction.
3. Divisional Railway Manager, C.Rly., Jabalpur. ... Respondents

(By Advocate: Shri S.P. Singh)

O R D E R (oral)

By Hon'ble Shri Sarweshwar Jha, Member (A):

Heard.

The applicant has preferred his O.A against the action of the Respondents in not furnishing him a copy of their letter accepting his resignation which is claimed to have been communicated to him on 16.8.1988 in response to his notice for voluntary retirement and not providing him retiral benefits etc., nor allowing him to perform the duties from 1982.

Sarweshwar Jha

He has prayed that the respondents may be directed to produce all the related records relating to notice for voluntary retirement dated 18.1.1982, decision on the notice etc., and to pay him all retirement benefits. He has also prayed that, in the alternative, he may be treated as on duty from 30.6.1982, i.e., the date of acceptance of his resignation in the absence of such notice.

2. Briefly, the applicant, who was initially appointed on 27.3.1964 to the post of Diesel Mechanical Grade 'C' under Senior D.M.E. (Diesel), New Katni Jn. of Central Railway under Jabalpur Division headed by the Divisional Railway Manager, and who was confirmed and promoted to the Diesel Mechanical Grade I, in New Katni Junction Railway Diesel Shed, in due course, submitted a notice dated 18.1.1982 to the respondents seeking retirement on completion of three months' notice period on 18.4.1982. The grievance of the applicant is that his notice for retirement has been accepted by the respondents as the notice for resignation. He had pursued the matter with the respondents, but it is observed that his pursuit and representations submitted to the respondents in regard to the subject from time to time did not bear any result and hence this O.A.

Jawahar Singh

3. The respondents have, however, in their reply very clearly stated that as the applicant did not fulfil the qualifying period for pension, i.e., 20 years of qualifying service, the question of granting him retirement as sought by him did not arise and, therefore, they treated the notice as notice for resignation. It is also observed that the respondents did not apprise the applicant of this aspect of the matter before they accepted his notice for retirement as a notice for resignation. It is also observed that treating the matter as something relating to resignation and the same having been accepted they did not pay him any retiral benefits. It is also observed that the payment of the amount standing to his credit in his General Provident Fund has also not been paid to him for the reasons that he had not filled up the form for such payment.

4. On closer examination of the matter submitted by both the sides, it is observed that the applicant had submitted a notice seeking voluntary retirement, though he has worded it 'compulsory' retirement. Perhaps, he did not understand the difference between compulsory retirement and voluntary retirement. It is also observed that while the respondents have treated his notice as a notice for resignation and has not accordingly allowed him pension and other benefits treating the

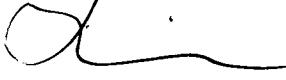
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case as not fit for being granted pension etc., on account of his having not rendered 20 years' qualifying service, it is not clear as to whether they examined the matter with reference to instructions relating to pro-rata pension. In their reply, there is no reference to this aspect of the matter.

5. Considering the facts and background of the case and also having heard the learned counsel of both the sides and after careful perusal of the materials on record, we are of the considered opinion that the matter has not been properly considered by the respondents in the correct perspective in which the notice had been served on them by the applicant. That being the case, it would be appropriate that the respondents give a fresh consideration to the matter and examine the case with reference to the provisions relating to pro-rata pension and other retirement provisions on the subject and grant necessary relief as permissible to the applicant under the relevant provisions. It is also directed that the amount standing to his credit in his Provident Fund Account may also be released to him immediately without any further delay. The respondents shall dispose of the matter by issuing a reasoned and speaking order within three months from the date of receipt <sup>of</sup> a copy of this order.

 Shashi Dhe

6. With this, this O.A., stands disposed of in terms of the above directions.

  
(BHARAT BHUSHAN)  
MEMBER (J)

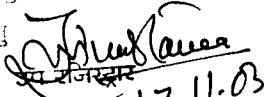
  
(SARWESHWAR JHA)  
MEMBER (A)

\*Mittal\*

पृष्ठांकन रां ओ/व्या.....जललपुर, दि.....

प्रतिलिपि द्वारा दिलाई गई

(1) राधिका, उद्योग प्राधानी दाता एवं उद्योग विभाग, जललपुर  
संस्थान कार्यालय MR Chandra, Adm.  
(2) लकड़ी कार्यालय, एवं लकड़ी विभाग, जललपुर SP Singh, Adm.  
(3) लकड़ी विभाग, एवं लकड़ी विभाग, जललपुर SP Singh, Adm.  
(4) लकड़ी विभाग, एवं लकड़ी विभाग, जललपुर SP Singh, Adm.

  
मुकुन्द  
17.11.03

  
Taseeb  
17/11/03