

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH

Jaipur, this the 29<sup>th</sup> day of July, 2011

**OA No. 281/2009**

CORAM:

**HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)**  
**HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)**

Revarmal Bundel  
s/o Shri Ram Prasad  
r/o Ward No.7,  
Krishna Nagar, Bandikui  
presently working as  
Loco Pilot (Passenger Driver),  
In Loco Shed, North Western Railway,  
Bandikui.

.. Applicant

(By Advocate: Shri R.K.Sharma)

Versus

1. Union of India  
through the General Manager,  
North Western Zone,  
North Western Railway,  
Jaipur
2. The Divisional Railway Manager,  
North Western Railway,  
Power House Road,  
Jaipur
3. The Senior Divisional Mechanical Engineer  
(Power), D.R.M. Office,  
North Western Railway,  
Power House Road, Jaipur
4. Senior Divisional Personnel Officer,  
D.R.M. Office,  
North Western Railway,  
Power House Road, Jaipur.

5. Shri L.R.Meena,  
Senior Divisional Personnel Officer,  
D.R.M. Office,  
North Western Railway,  
Jaipur.

.. Respondents

(By Advocate: Shri Anupam Agarwal)

O R D E R (O R A L)

The present OA is directed against the order dated 6.2.2009 (Ann.A/1) by which application of the applicant dated 1.8.2008 for voluntary retirement from the post of Loco Pilot (Passenger Driver) has been rejected.

2. During the pendency of the OA, the respondents have moved a Misc. Application No.130/2011 placing copy of the order dated 28.3.2011 on record whereby request of the applicant for voluntary retirement from the post of Loco Pilot (Passenger Driver) has been accepted.

3. As per the applicant, now the controversy remains that his voluntary retirement has been accepted by the respondents w.e.f. 30.3.2011 whereas the applicant prays that his voluntary retirement may be accepted as per his application i.e. 1.8.2008 in terms of para 3 of Railway Board's order dated 14.06.2006 and further prays that the respondents may be directed to allow the applicant to retire voluntarily from the post of Loco Pilot (Passenger Driver) with all consequential benefits.

4. In support of his submissions, the learned counsel appearing for the respondents denied the submissions made by the applicant



and submitted that voluntary retirement as claimed by the applicant cannot be granted as per his application dated 1.8.2008 because the applicant was absorbed on alternative post of CCR vide office order dated 20.6.2007. When the applicant was posted to Luharu, he submitted application dated 5.10.2007 to retain him on the post of CCR at Bandikui for some time because of illness of his wife and education of his children which was accepted and vide letter dated 2.11.2007 he was retained on the post of CCR at Bandikui. The applicant worked on that post till 22.1.2008. Thereafter he did not join the service at Luharu. Thus, the relief claimed by the applicant to voluntarily retire him from the post of Loco Pilot (Passenger Driver) cannot be accepted as the applicant was already absorbed on the alternative post of CCR.

5. In response to the submissions made on behalf of the respondents, the learned counsel appearing for the applicant referred to Ann. A/26 illustrating that similarly situated persons have been considered by the respondents and their voluntary retirement has been accepted from the post of Loco Pilot even if they have been absorbed in alternative job. Thus, the respondents have discriminated in the case of the applicant, although the same has been emphatically denied by the respondents.

6. Having considered the rival submissions and upon perusal of the material available on record, although the prayer No.i) claimed by the applicant has been accepted by the respondents, except the date of voluntary retirement as per application dated 1.8.2008. but controversy remains whether the voluntary retirement from the



post of Loco Pilot (Passenger Driver) should be effective as per the application of the applicant dated 1.8.2008 or not.

7. Be that as it may, since the applicant has illustrated cases of similarly situated employees before this Tribunal and respondents also referred circulars and orders which have been passed by the respondents, we deem it proper to direct the respondents to reconsider the case of the applicant on the question whether the applicant is entitled to seek voluntary retirement from the post of Loco Pilot (Passenger Driver) as per his application dated 1.8.2008 or any discrimination has been made while considering case of the applicant with the persons whose name has been mentioned in Ann. A/26 and whether it is permissible under the provisions of law and circulars issued by the respondents from time to time to retire the applicant and the persons whose names have been mentioned in Ann. A/26 and after having considered the case of the applicant to this effect shall pass appropriate order.

8. If any prejudicial order is passed against the applicant, he is at liberty to file substantive OA.

9. In view of disposal of the OA, no order is required to be passed in MA No. 130/2011, which shall stand disposed of.

*Anil Kumar*

(ANIL KUMAR)  
Admv. Member

*J. S. Rathore*

(JUSTICE K.S.RATHORE)  
Judl. Member

R/