

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

OA/330/00651/2018

Allahabad this the 31st day of August, 2018

Hon'ble Mr. Gokul Chandra Pati, Member- A

Vijay Kumar Bhardwaj, aged about 58 years, S/o Late R.P. Bhardwaj, R/o House No. 40/25, 13, P.D. Tandon Road, Allahabad. Presently working as Chief Parcel Clerk, North Central Railway, Allahabad.

Applicant

By Advocate: Mr. K.P. Singh

Vs.

1. Union of India through the General Manager, North Central Railway, Allahabad.
2. Divisional Railway Manager (Personnel), North Central Railway, Allahabad.
3. Senior Divisional Commercial Manager, North Central Railway, Allahabad.

Respondents

By Advocate: Mr. Shesh Mani Mishra

O R D E R

Delivered by Hon'ble Mr. Gokul Chandra Pati, A.M.

Shri K.P. Singh, learned counsel for the applicant and Shri Shesh Mani Mishra, learned counsel for the respondents are present.

2. Counsel for the applicant submitted that the applicant has made an application for voluntary retirement on 20.03.2018 but no action has been taken by the respondents

till now. In this regard, Counsel for the applicant attracted my attention towards annexure A-3, wherein he annexed Rule 1801 of Indian Railway Establishment Code. After perusal of aforesaid, it is clear that if an employee is more than 55 years of age, he can apply for voluntary retirement giving three months' notice. Counsel for the applicant further submitted that if three months' period is over from the date of submission of application and there has been no denial on behalf of department, then it is deemed that the Voluntary Retirement is accepted. In support of his arguments, Counsel for the applicant has relied upon the following Judgments: -

"(i) Civil Appeal No. 1199 of 1977 Dinesh Chandra Sangma v. State of Assam & Ors., decided on 05.10.1977 '1978 SCC (L&S) 7';

(ii) Civil Appeal No. 923 of 1977 B.J. Shelat v. State of Gujarat, decided on 28.03.1978 '1978 SCC (L&S) 208';

(iii) Civil Appeal No. 2620 of 1994 Union of India and others v. Sayed Muzaffar Mir, decided on 20.09.1994 '1995 SCC (L&S) 256'."

In the aforesaid Judgments, it is held by the Hon'ble Supreme Court that the voluntary retirement takes effect after three months from the date of submission of application and no formal order is required.

3. Counsel for the respondents submitted that there is acute shortage of staff in the category in which the applicant has been working. He further sought time to take instructions from the department.

4. In view of provisions mentioned in the Indian Railway Establishment Code and in view of the Judgments relied upon by the applicant's counsel, the O.A. is disposed of at the admission stage itself with direction to respondent No. 2/competent authority to take appropriate action on voluntary retirement application dated 20.03.2018 of applicant in terms of provisions stated in Indian Railway Establishment Code (mentioned above) within a period of two months from the date of receipt of a certified copy of this order. Subsequent action for release of retiral benefits will also be taken by the respondents, as per rules, during the aforesaid period. No order as to costs.

Member- A

/M.M/