

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00129/2018

Dated Wednesday the 7th day of March Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

P.R.Subrahmanian,
No. 13, Arjun Nagar,
Kolathur,
Chennai 600099.

....Applicant

By Advocate M/s. R. Pandian

Vs

Union of India rep by,

1.The General Manager,
Integral Coach Factory,
Chennai 600038.

2.The Chief Personnel Officer,
Integral Coach Factory,
Chennai 600038.

3.The Principal Chief Mechanical Engineer,
Integral Coach Factory,
Chennai 600038.

....Respondents

By Advocate Mr. A. Abdul Ajees

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To call for all the records relating to the rejection of the request for withdrawal of voluntary retirement request submitted by the applicant and to quash the impugned orders:-

1. No. PB/GG/26/VR/RESIGN/VOL.II dated 22.12.2017
2. OFFICE ORDER NO. PB/GG/002/0015 -
GAZETTED CADRE – Mechanical dated 02.01.2018
3. No. PB/GG/26/VR/RESIGN/VOL.II dated 05.01.2018

all passed by the 2nd respondent, consequently

- a. to direct the respondents to re-instate the applicant in the post he held (Senior Mechanical Engineer) as on the date of the termination of his service (on voluntary retirement) ie., on 06.01.2018 or in any other equivalent post;
- b. to direct the respondents to treat the period from 07.01.2018 until the date of such re-instatement as duty with all consequential benefits; and
- c. to pass such other order / orders as this Hon'ble Tribunal may deem fit and proper and thus to render justice.”

2. When the matter is taken up for hearing, learned counsel for respondents produces a copy of the reply of the respondents which is taken on record. Learned counsel for applicant confirms that he had received and gone through the reply.

3. It is submitted that the applicant was permitted by Annexure A7 office order dt. 02.01.2018 to retire voluntarily from service with effect from 06.01.2018. Thereafter, on 03.01.2018, the applicant submitted a representation referring to his request for withdrawal of voluntary retirement already submitted on 12.12.2017 and requested the competent authority to reconsider his application for withdrawal of voluntary retirement. However, the applicant was informed by

Annexure A9 communication dt. 05.01.2018 that his request had not been accepted by the competent authority and, therefore, the acceptance of his request for voluntary retirement from Railway Service with effect from 06.01.2018 stood.

4. Learned counsel for applicant would submit that under the rules, the applicant was entitled to withdraw his application for voluntary retirement on any date before the same took effect. As a matter of fact, well before the time the respondents passed the order accepting the request for voluntary retirement on 02.01.2018, he had already submitted his request for withdrawal of the notice on 12.12.2017 itself. The impugned orders at Annexures A7 and A9 do not disclose the reason for non-acceptance of the request for withdrawal of the notice of voluntary retirement.

5. Learned counsel for the respondents would submit that the applicant could be permitted to make a representation to the competent authority which could be directed to be disposed of within a time limit to be set by this Tribunal.

6. Learned counsel for the applicant is agreeable to the same.

7. I have considered the matter. Clearly, the impugned orders do not disclose the reasons for non-acceptance of the notice of withdrawal of voluntary retirement by the applicant. It does not reveal any application of mind by the competent authority. Under the circumstances, I am of the view that the ends of justice would be met in this case if the applicant is permitted to submit a comprehensive

representation to the competent authority within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the competent authority shall consider and pass a reasoned and speaking order in accordance with the relevant rules, within a period of four weeks thereafter.

8. OA is disposed of with the above direction. No costs.

(R. Ramanujam)
Member(A)
07.03.2018

SKSI