

(2020) 08 CAT CK 0024

In the Central Administrative Tribunal

Case No : Original Application No. 1033 Of 2020

Rajni B. Gohil

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 11-08-2020

Acts Referred:

Central Civil Services (Pension) Rules, 1972 — Rule 48(A)

Citation : (2020) 08 CAT CK 0024

Hon'ble Judges : R.N. Singh, Member (J); A.K. Bishnoi, Member (A)

Bench : Division Bench

Advocate : Rajesh Katyal, Y.P. Singh

Final Decision : Disposed Of

Judgement

R.N. Singh, Member (J)

1. The present Application has been filed by the applicant who claims that while working as Deputy Director of Income Tax, initially she submitted his resignation. However, before the said resignation could be accepted by the competent authority, she withdrew the same and thereafter she requested the respondents to accept her request for voluntary retirement.

2. Learned counsel for the applicant submits that in spite of lapse of stipulated period of 90 days, no order was passed by the respondents qua the applicant's request for voluntary retirement from the services of the respondents.

3. Learned counsel for the applicant, Mr. Katyal submits that in view of Rule 48(A) of CCS (Pension) Rules, 1972, the applicant stands deemed to have retired in view of her request for voluntary retirement and she became entitled for pension and 10ther retiral benefits.

4. Mr. Katyal further submits that in spite of various representation (Annexure A-19 and A-20), the respondents have not passed any order thereon.

5. Issue notice.

6. Mr. Y.P. Singh learned counsel, who appears on behalf of the respondents on advance service accepts notice.

7. Learned counsel for the applicant submits that the applicant shall be satisfied if the OA is disposed of at this very stage with direction to the respondents to consider the applicant's aforesaid representation and to dispose of the same by passing a reasoned and speaking order thereon in a time bound manner. To such request there is no objection from the Ld. Counsel for the respondents.

8. We have considered the submissions made by the learned counsel for the parties and we are of the view that if such a request of the applicant's counsel is accepted at this juncture, no prejudice is likely to be caused to the respondents.

9. In view of the aforesaid, without going into the merit, we dispose of the present OA with a direction to the respondents to consider the applicant's aforesaid representation (Annexure A-19 and A-20) and to dispose of the same by passing a reasoned and speaking order thereon as expeditiously as possible and in any case, within a period of four months from the date of receipt of a certified copy of this order.

10. The present OA is disposed of in the aforesaid terms. There shall be no order as to costs.