BALBIR SINGH NEGI

*v.*

UNION OF INDIA & ORS.

MARCH 25, 1996

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

*Service Law :*

*Central Civil Services (Pension) Rules, 1972 :*

*R. 48-A—Voluntary retirement—Withdrawal of application for voluntary retirement—Held, though employee was entitled to withdraw the application for voluntary retirement before it became effective, but as he has already attained superannuation, no useful purpose will be served by permitting him to withdraw his application.*

*Balram Gupta* **v.** *Union of India,* **[1987] Supp. SCC 228, referred to.**

CIVIL APPELLATE JURISDICTION : Special Leave Petition (C) No. 5655 of 1996.

From the Judgment order dated 17.11.95 of the Central Administrative Tribunal, Chandigarh in O.A. No. 758 of 1991.

Ravi Kapur and S.C. Patel for the Petitioner.

The following Order of the Court was delivered :

The SLP is filed against the order of the Central Administrative Tribunal, Chandigarh Bench, Circuit at Shimla made on 17.11.1995 in O.A. No. 758/HP/91. The petitioner, admittedly, after completing his 33 years of qualifying service submitted, on February 18, 1991, an application for voluntary retirement under Section 48A of Pension Rules which came to be accepted on May 2, 1991 w.e.f. June 30, 1991 as requested by him. After the receipt of this letter and acceptance on the even date, namely, May 2, 1991 and of another letter dated May 23, 1991, he sought to withdraw his application for voluntary retirement which he had submitted but was not accepted by the authorities. Thereafter, he filed O.A. in the Tribunal contending that he is entitled to withdraw his application before the

relationship of master and servant becomes operative, i.e., July 1, 1991. Acceptance of his resignation before that date, i.e., 30.6.1991 is not valid in law. Under Rule 48-A of the Pension Rules, a Government servant, on completion of required period of service, is entitled to make a request for voluntary retirement. Admittedly, that request was acceded to and resignation was accepted. Learned counsel for the Petitioner sought to rely upon the judgment of this Court in *Balram Gupta* v. *Union of India,* [1987] Supp. SCC 228 in which this Court had held that a Government servant after making the application but before it becomes effective and the relationship of master and the servant ceases to operate, is entitled to withdraw the resignation. In that case, on the facts and circumstances, it was held that he was pressurised in the first instance to voluntary retire. With a view to get it over he had submitted his application for voluntary retirement. Subsequently, he reconciled. The entitlement to withdraw the application for voluntary retirement was accepted by this Court. It is seen that in this case, admittedly, the petitioner has stated that he was on leave for one year prior to the date of seeking voluntary retirement on medical grounds and he was unable to discharge the duties and that, therefore, he had sought to voluntarily retire from service. It would appear that when he was transferred from Shimla to Faridabad, he had submitted his application in a huff for voluntary retirement and that thereafter he came forward with the application for withdrawal. It is true that the petitioner was entitled to withdraw the resignation. But in view of the fact that he has already attained the superannuation in normal circumstances on February 28, 1994, no useful purpose will be served by giving direction to permit him to withdraw his application.

Under these circumstances, the petition is dismissed.

Petition dismissed.