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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 8971/2016 & CM No. 36439/2016 (stay)

RAVINDER KUMAR WALI

..... Petitioner

Through Mr. Rajeshwar Dagar with Mr. Akhil
Suri, Advocates

versus

UNION OF INDIA

..... Respondent

Through Mr. Rajeshwar Dagar and Mr. Manoj
Ahlawat, Advocates

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

% **11.11.2016**

This matter is listed today on the directions of this Court.

The order dated 8th November, 2016 is recalled.

This writ petition has been filed seeking directions on the respondent authorities to reinstate the petitioner in service.

The petitioner is a permanent resident of Jammu & Kashmir. The petitioner applied for voluntary retirement for personal reasons. It is stated that his wife was afflicted with Cancer for which it was

necessary for the petitioner to take care of his wife.

The application of the petitioner for voluntary retirement was duly accepted by an order dated 16th July, 2013 and the petitioner went into voluntary retirement w.e.f. 16th July, 2013.

About four months after the retirement of the petitioner, the petitioner wrote a letter dated 16th November, 2013 seeking reconsideration of the decision of the concerned respondents to accept the application of the petitioner for voluntary retirement.

Aggrieved by the rejection of the request of the petitioner, the petitioner has approached this Court after delay of over one year after the rejection of his application for reconsideration of the decision to accept the voluntary retirement of the petitioner.

It is well settled that a request for voluntary resignation can be withdrawn before it is accepted or before it takes affect. Once the resignation is accepted and comes into affect the petitioner has no vested right to insist on withdrawal of the acceptance of his resignation. The same principles apply to voluntary retirement.

In any case from the affidavit, it appears that the petitioner has already attained 60 years of age. The petitioner retired over 3 years ago. The question of any direction on the respondent to reinstate the petitioner at this stage does not arise.

The writ petition is, therefore, rejected. The petitioner shall comply with the requisite formalities for release of pension. The pensionary benefits shall positively be released within 30 days from the date of completion of the requisite documents.

The writ petition is dismissed.

INDIRA BANERJEE, J

ANIL KUMAR CHAWLA, J

NOVEMBER 11, 2016

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