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

+ **W.P.(C) 4148/2017**

UNION OF INDIA AND ORS

..... Petitioners

Through: Mr J.K. Singh, Standing Counsel for
Railways (UOI)

versus

PURAN SINGH

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE DEEPA SHARMA

O R D E R

% **15.05.2017**

CM APPL. 18178/2017 (Exemption)

Exemption allowed, subject to just exceptions.

The application stands disposed of.

W.P.(C) 4148/2017 and CM APPL. 18177/2017 (Stay)

The petitioners have preferred the present writ petition to assail the order dated 05.10.2016, passed by the Central Administrative Tribunal (CAT) in Original Application (OA) No.987/2016, preferred by the respondent-applicant. The respondent had sought voluntary retirement under the LARSGESS Scheme. The said application was rejected vide order dated 01.04.2015 on the ground that the date had not been mentioned in the application. It was also stated by the petitioners that the form was incomplete, as the cycle was mentioned either by the employee, or by the SSE/P. Way/Tuglakabad or by the ADEN/Tuglakabad.

The Tribunal, while allowing the Original Application, took note of the fact that in the application form, there was no column incorporated, wherein the respondent was obliged to mention the cycle, and the failure on the part of the respondent to mention the same could not be a reason to reject his application. So far as the failure of the respondent to mention the date is concerned, the Tribunal has held that the same was not so sacrosanct a matter, that its omission should have invited the rejection of the respondent's application for voluntary retirement.

We have heard the learned counsel for the petitioners and we do not find any reason whatsoever to interfere with the impugned order. It is obvious that if an application made by an applicant and the date is not mentioned, the date of submission of the application should be treated as the date of the application itself. In fact, the conduct of the petitioners in rejecting the respondent's application for voluntary retirement was completely unjustified and the respondent was unnecessarily driven to file the Original Application. The Tribunal has not granted any cost while allowing his Original Application which, in our view, should have been granted.

In these circumstances, the petition is dismissed with costs of Rs.10,000/-, to be paid to the respondent.

VIPIN SANGHI, J

DEEPA SHARMA, J

MAY 15, 2017/bg