

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.1674 of 2018

Date of Decision : 25.01.2018

Union of India and another

....Petitioners

Versus

The Central Administrative Tribunal
and another

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJBIR SEHRAWAT

Present: Mr.Vivek Singla, Advocate
for the petitioners.

MAHESH GROVER, J. (Oral)

This writ petition is directed against the order of the Tribunal dated 24.10.2017.

The respondent No.2 while working on the post of SAG made a request for voluntary retirement through a notice dated 31.07.2011 which was not accepted by the competent authority for the reason that soon thereafter he made another application withdrawing the request for voluntary retirement but then on the very same day moved another request to ignore the request for withdrawal of voluntary retirement. This implies that the original request for voluntary retirement through notice dated 31.07.2011 survived. Since his prayer for voluntary retirement was not accepted by the present petitioners, he moved an application before the Central Administrative Tribunal impugning the orders passed by the present petitioners declining his prayer for voluntary retirement. These orders were quashed by the Tribunal and eventually his prayer for voluntary retirement was accepted but the retiral dues were not disbursed to him resulting in another round of litigation before the Tribunal which has now accepted the

same with a direction that all the retiral dues be paid to the respondent No.2 along with interest @ 9% per annum.

The petitioners contend that prayer of the respondent No.2 for voluntary retirement was accepted in 2013 and the entire amount was finally released in March 2014. The Tribunal has partly accepted the application entitling the respondent No.2 to 9% interest on the remaining delayed retiral benefits by reciting various precedents of the Court where it has been held that pension is not a bounty and is rather an entitlement of the employee which the employer cannot withhold. We do not find any fault in the reasoning of the Tribunal as the prayer for voluntary retirement of the respondent No.2 merited the grant of pension forthwith on its acceptance. We are also at pains to notice that this is totally unwarranted litigation that the Union of India has indulged in. If a person sought voluntary retirement and even if there is some confusion in his mind once it was made clear to the petitioners that he wanted to get himself relieved, it should have been a sufficient indicator for the petitioners to release such a reluctant employee rather than force their might and contest it resulting in sheer wastage of time of the courts as also the resources of the Union of India. We expect the state agencies to be alive to their responsibility and not indulge in avoidable litigation.

The petition is dismissed with costs of Rs.20,000/- which shall be compensatory to the respondent No.2.

(MAHESH GROVER)

JUDGE

25.01.2018

dss

(RAJBIR SEHRAWAT)

JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No