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

+ **W.P.(C) 1284/2024**

JAGDISH PRASAD GUPTA

..... Petitioner

Through: Mr. Vijay Kumar, Mr. Sidharth Jain
and Ms. Rekha Anand, Advocates

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Vineet Dhanda, CGSC with Mr. A.
Singh and Mr. Abhijit Singh, Advocates
for UOI

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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17.05.2024

1. The present writ petition under Article 226 of the Constitution of India seeks to assail the order dated 14.08.2023 passed by the learned Central Administrative Tribunal (the learned Tribunal) in O.A. No.1422/2020. Vide the impugned order, the learned Tribunal has rejected the petitioner's O.A. wherein he had assailed the respondents' decision to reject his request for withdrawal of his application for voluntary retirement submitted on 09.03.2020.

2. Learned counsel for the petitioner submits that the impugned order is wholly perverse as the learned Tribunal has failed to appreciate that though the request for voluntary retirement was submitted by the petitioner on 09.03.2020, the effective date of voluntary retirement had been specifically



mentioned as 07.06.2020 and therefore the petitioner was entitled to withdraw his request for voluntary retirement at any time before 07.06.2020. Furthermore, the respondents' plea that they had already accepted the petitioner's request for voluntary retirement on 19.03.2020 is belied from the record as the same was never communicated to the petitioner.

3. In the light of this stand taken by the learned counsel for the petitioner regarding non-service of order dated 19.03.2020, learned counsel for the respondents prays for and is granted, six weeks' time to file a counter-affidavit. Rejoinder thereto, if any, be filed within four weeks thereafter.

4. List on 24.09.2024.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 17, 2024/akr