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SLP(C)No. 16277 OF 2000

ITEM No.27

Court No. 2

SECTION IVA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.16277/2000

(From the judgement and order dated 11/10/1999 in WP 8907/99
of The HIGH COURT OF KARNATAKA AT BANGALORE)

NARAYANA SHETTY

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With Appln(s). for c/delay in filing SLP)

Date : 09/05/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MR. JUSTICE R.C. LAHOTI

For Petitioner (s)

Mr. Bhaskar Y. Kulkarni, Adv.

For Respondent (s)

Mr. Mukul Rohtagi, ASG.
Mr. Shridhar Y. Chitale, Adv.
Mr. B.V. Balaram Das, Adv.

UPON hearing counsel the Court made the following
O R D E R

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Delay condoned.

Heard the learned counsel for the petitioner and
learned ASG for the Union of India.

The petitioner submitted his resignation in 1987 which
was accepted by the concerned authorities only on 17th of
December, 1993 but gave it retrospective effect from 23rd of
May, 1987. The appropriate authority was not competent to
accept the resignation with retrospective effect. Necessarily

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therefore, the relationship of Master and Servant continued
till 17th of December, 1993. Until that period, the
petitioner would be entitled to whatever dues permissible to
him under the relevant Rules. But the Petitioner having
resigned from service, would not be entitled to the retiral
benefits in view of the provisions contained in CCA Pension

Rules, 1972. We therefore dispose of this matter by directing that the petitioner must be held to have resigned w.e.f. the date of its acceptance on 17th of December,1993 and if he is entitled to any dues till that period, he should get the same.

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(J.S. Rawat)
Court Master

(Suneet Bala Sharma)
Court Master