



**Government of Jammu & Kashmir,  
School Education Department,  
Civil Secretariat, Jammu.**

Subject:- OA No. 61/859/2023 titled Girdhari Lal Vs UT of J&K & Ors.

**Government Order No:- <sup>564</sup> - JK (Edu) of 2024**  
**Dated:- 24-12-2024**

Whereas, the applicant Girdhari Lal, Teacher Grade-II, Government Primary School Kotli Muffi, Zone R.S Pura had applied for voluntary retirement w.e.f. 01.12.2022 from service on 29.08.2022 and accordingly the Voluntary retirement order was issued by the School Education Department vide Government Order No. 24-JK (Edu) of 2023 dated 17.01.2023 and post facto sanction was given for his voluntary retirement w.e.f 1.12.2022;

Whereas, the applicant, Girdhari Lal, had submitted a representation to this department requesting the withdrawal of his voluntary retirement, stating that he needs to meet the liabilities of his family and is no longer willing to proceed with his voluntary retirement. The representation was received on 16.12.2023, prior to the issuance of the Government Order.

Whereas, the applicant, Girdhari Lal, feeling aggrieved, has filed an Original Application before the Hon'ble Central Administrative Tribunal at Jammu, wherein he prayed as follows:

- i. Govt. Order No.24-JK (Edu) of 2023 dated 17.01.2023, issued by respondent no.1.
- ii. Direct the respondents to reinstate the applicant into service, retrospectively w.e.f 01.12.2022 and a further request to direct the respondent to give all the service including monetary benefits to the applicant from the said date.
- iii. Direct the respondents to produce the whole record before this Hon'ble Tribunal for the judicial scrutiny of this Hon'ble Tribunal on the basis of which order impugned dated 17.01.2023 was passed.
- iv. Direct the respondent no.1 to accord consideration the representation dated 27.03.2023 filed by the applicant by passing a speaking and reasoned order and also by affording a reasonable opportunity of being heard to the applicant by hearing applicant in person.

Whereas, the Hon'ble Central Administrative Tribunal vide order dated 06.06.2024 has allowed the Original Application with the following directions:-

***".....The instant application, in the said background deserves to be allowed.***

***For the reasons discussed above, this Original Application is allowed. The respondents are directed to allow the applicant to join the services as Teacher. The respondents shall complete the said exercise within two months from the date of receipt of certified copy of this judgment. However, it is made clear that petitioner***

***shall not be entitled to any monetary benefits right from the date of resignation till today and the said period shall not qualify for any other service benefit. No costs."***

Whereas, the case of the applicant has been thoroughly examined in the department, and upon examination, it has been determined that the act of submitting voluntary retirement request under Article 230 is bilateral in character and, therefore, unless the request of the employee seeking voluntary retirement is formally accepted by the employer, the relationship of employee-employer shall not come to end and, therefore, there is no question of such employee overstaying in service beyond the intended date of retirement and where resignation presupposes acceptance, it can be withdrawn/varies before such acceptance and till that acceptance, prospective resignation remains mute and inoperative and nonexistent in the eyes of law and can be withdrawn. The claim of the applicant is therefore justifiable and warrants positive consideration, as the withdrawal request was submitted prior to any formal acceptance of the voluntary retirement;

Now, therefore, in light of the facts and circumstances of the case, and in compliance with the directions issued by the Hon'ble Central Administrative Tribunal in its order dated 06.06.2024, in OA No. 61/859/2023, titled Girdhari Lal Vs UT of J&K & Ors, the claim of the applicant has been duly considered by the Department and sanction is hereby accorded to rescind the post-facto retirement order issued vide Government Order No. 24-JK (Edu) of 2023, dated 17.01.2023, in respect of Girdhari Lal, Teacher Grade-II, Government Primary School Kotli Muffi, Zone R.S. Pura. Consequently, the Director, School Education Jammu, is directed to permit the applicant to rejoin service as a teacher grade-II. However, it is further clarified that the applicant shall not be entitled to any monetary benefits for the period between the date of resignation and CAT order dated 06.06.2024, and this period shall be treated as 'dies non' and shall not be considered for any other service benefits.

**By order of the Government of Jammu & Kashmir.**

**Sd/-**

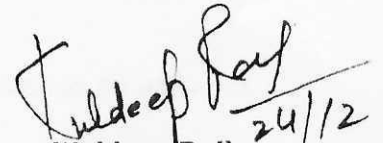
**Suresh Kumar Gupta(IFS)  
Principal Secretary to the Government  
School Education Department.**

No:- Edu-NG J/491/2022-01

Dated: <sup>24</sup>12.2024

**Copy to the:-**

1. Joint Secretary (J&K) Ministry of Home Affairs, Government of India.
2. Director School Education Jammu for information and necessary action.
3. OSD to Hon'ble Minister for School Education Department for information.
4. Concerned Ld. AAG, Hon'ble Central Administrative Tribunal at Jammu for information.
5. Private Secretary to Principal Secretary to the Government, School Education Department for information.
6. Girdhari Lal (Applicant) for information.
7. I/C Website for uploading the same on official website.
8. Government Order File/ Concerned File (w.2.s.c).

  
(Kuldeep Raj) 24/12

Under Secretary to the Government  
School Education Department

