

**LAW OF RETIREMENT (VOLUNTARY/COMPULSORY) AND RESIGNATION**  
(1991). By H.C. Arora and Sanjeev Malhotra. Bahri Brothers, Delhi. Pp. xx  
+ 286. Price Rs. 135.

DURING THE last three and a half decades there has been a phenomenal rise in service disputes including those relating to compulsory and voluntary retirement and resignation. Frequent litigation between state and its employees and between other employer and employees affects the efficiency and morals of the service and ultimately brings indiscipline, lack of loyalty and an attitude of indifference. This led the Supreme Court to observe<sup>1</sup> that serious attention should be paid to discover the reasons therefor to take remedial measures to minimise litigation. Whatever may be the reasons the lack of precise service conditions and rules and absence of settled judicial norms are also responsible for the increasing number of litigations. However, establishment of the Central Administrative Tribunals under the Administrative Tribunals Act 1985 and the exclusion of jurisdiction of all courts except that of the Supreme Court under article 136 of the Constitution is the most notable development in this regard. The Act was enacted by Parliament pursuant to article 323-A(1) of the Constitution for adjudicating disputes with regard to service matters.

The book under review<sup>2</sup> is basically a digest of cases of the Supreme Court, High Courts and Central Administrative Tribunals. It is divided into three sections, which have been sub-divided into several chapters. Section I is concerned with compulsory retirement. It is divided into fifteen chapters. Chapter 1 deals with the nature and objectives, chapter 2 with rules and guidelines, chapter 3 with fundamental rules 56 (J), chapter 4 with review committee, chapter 5 with review procedure, chapter 6 with qualifying service, chapter 7 with public interest, chapter 8 with adverse entries and confidential report, chapter 9 with notice and notice pay, chapter 10 with competent authority, chapter 11 with departmental remedies, chapter 12 with punitive compulsory retirement, chapter 13 with disciplinary proceedings and compulsory retirement, chapter 14 with judicial review and the last chapter with miscellaneous matters regarding compulsory retirement.

Section II which deals with voluntary retirement has been sub-divided into five chapters. Chapter 1 makes a distinction between voluntary and compulsory retirement. Chapter 2 deals with acceptance of notice of voluntary retirement. Chapter 3 is concerned with withdrawal of notice of voluntary retirement. Chapter 4 deals with voluntary retirement during the pendency of criminal proceedings and the last chapter deals with miscellaneous matters.

Section III entitled 'Resignation' has been divided into eleven chapters. This covers the concept of resignation, protest resignation, involuntary or forced

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1. See, *Karam Pal v. Union of India*, A.I.R. 1985 S.C. 774 at 779-80.

2. H.C. Arora and Sanjiv Malhotra, *Law of Retirement (Voluntary/Compulsory) and Resignation* (1991).

resignation, terms or conditions of resignation, rules relating to resignation, provisions regarding notice period, acceptance of resignation, disciplinary proceedings and resignation, withdrawal of resignation, benefits on resignation and miscellaneous.

The book under review deals with one of the most important but neglected field of service and labour law. A study on such field is very much needed. However, it suffers from several defects. It is merely a digest of case law. It lacks analysis of cases, absence of relevant statutory material, contextual framework and constitutional perspective. Further the author may wish to include in section I, chapter 12 the decision in *State of U.P. v. Shyam Lal Sharma*.<sup>3</sup> In section II, a new chapter on determination of date of birth would be useful. Further in chapter 3 the decisions in *Bose Chander Julka v. Union of India*.<sup>4</sup> and *N. Ranga Rao v. Govt. of India*<sup>5</sup> which deal with withdrawal of notice of voluntary retirement be also included. In chapter 7 of section III the author may wish to include *Indira Nehru Gandhi v. Raj Narain*<sup>6</sup> and *Padamlochan Das v. Union of India*<sup>7</sup> which deal with effectiveness of resignation.

Despite the aforesaid weaknesses and inadequacies, the merit of the book is that the subject has been dealt with topicwise under proper headings and sub-headings. This helps in locating references of case law for detailed reading. Further the arrangement is easy for the reader to follow. Moreover at places the author has given his brief comments. A subject index and a table of cases are additional advantages.

On the whole, the book is useful to lawyers, employers and employees in government service, private establishments and public corporations. The publisher deserves praise for giving a good and attractive get-up to the book.

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3. A.I.R. 1971 S.C. 2151.

4. (1986) 1 A.T.C. 682.

5. (1986) 2 L.L.J. 1(A.P.).

6. A.I.R. 1975 S.C. 2299.

7. (1987) 2 A.L.T. 698.

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