

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2794/2002

New Delhi this the 27th day of May, 2003.

HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

Mrs. P.V.Tyagi W/O D.K.Tyagi,
R/O D-2/289 Vinay Marg,
New Delhi.

-Applicant

(None present)

-Versus-

1. Union of India through
Secretary, Ministry of Human
Resources Development,
Shastri Bhawan, New Delhi-110001.

2. Commissioner,
Kendriya Vidyalaya Sangathan (HQ),
Qutab Institutional Area,
Opposite Katvaria Sarai,
New Delhi.

3. Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Delhi Region, J.N.U. Campus,
New Mehrauli Road,
New Delhi-110067.

-Respondents

(By Shri S. Rajappa, Advocate)

O R D E R (ORAL)

None appeared for applicant, even on the second call. The OA is disposed of in terms of Rule 15 of the C.A.T. (Procedure) Rules, 1987.

2. Through this OA applicant impugns respondents' order dated 28.8.2002 whereby her request for voluntary retirement has been turned down. Applicant has sought quashment of this order with direction to the respondents to pay her gratuity and other terminal benefits or in the alternative re-consider his application for voluntary retirement under Rule 48-A of the CCS (Pension) Rules, 1972.

3. Admittedly applicant has been working in KVS as PGT (Physics). She has opted for Contributory Provident Fund Scheme (CPFC) on 3.9.92. On 12.8.2002 applicant has sought voluntary retirement under Rule 48-A of the Pension Rules. The request was considered and rejected on 28.8.2002.

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4. Applicant in her OA contended that under Rule 48-A the only requirement is completion of 20 years qualifying service which applicant has fulfilled. Accordingly the rejection of her request is de hors the rules.

5. It is also contended in the OA that there is no provision under FR 56 (k) which is to be applied for seeking voluntary retirement in the organisation.

6. Shri S. Rajappa, learned counsel appearing for respondents, though not preferred any reply but has opted to address the court orally and during the course of arguments it is contended that as applicant is a CPF optee, provisions of Pension Rules would not be applicable to her. As such voluntary retirement cannot be sought under Rule 48 of the Pension Rules.

7. As per FR 56 (k) which is applicable to CPF optee the condition precedent for seeking voluntary retirement is that when a government servant is in group 'B' or 'C' post that he should have attained the age of 55 years.

3. I have carefully considered the pleadings on record. As applicant has not attained the age of 55 years the aforesaid provisions would have no application in her case. As such her request for voluntary retirement has been rightly rejected, which does not suffer from any legal infirmity.

4. In the result OA is found bereft of merit and is accordingly dismissed. No costs.

S. Raju
(Shanker Raju)
Member (J)

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