

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 180/00127/2019

Wednesday, this the 29th day of January, 2020.

CORAM:

HON'BLE Mr. ASHISH KALIA, JUDICIAL MEMBER

C. Manmadhan Pillai, 60 years,
S/o. A. Chellappan Nair (late),
Retired Senior Accountant, PA-V/VI SEC,
O/o. Director of Accounts, (Postal-Kerala Circle),
Thiruvananthapuram.
Residing at Kedhara, SRA-142A, Sreenagar,
Manikandeswaram Post, Vattiyoorkav,
Thiruvananthapuram – 695 013. - Applicant

[By Advocate : Mr. V. Sajithkumar]

Versus

1. Union of India represented by
Secretary to Government,
Department of Posts, Ministry of Communications,
Government of India, New Delhi – 110 001.
2. The Chief Postmaster General,
Kerala Circle, Department of Posts,
Thiruvananthapuram – 695 033.
3. The Director of Accounts,
Kerala Circle (Postal), Kerala Circle,
Thiruvananthapuram – 695 001.
4. The DDG (PAF),
Postal Accounts Wing,
IV Floor, Dak Bhavan, New Delhi – 110 116. - Respondents

[By Advocate : Mr. K.N. Radhakrishnan]

The application having been heard on 29.01.2020, the Tribunal
on the same day delivered the following:

O R D E R**Per: Ashish Kalia, Judicial Member**

The applicant filed this O.A seeking the following reliefs:-

- “(i) To quash Annexure A-4.*
- (ii) To direct the respondents to permit the applicant to retire voluntarily from the Cadre of Assistant Accounts Officer with effect from the forenoon of 28.09.2018 and to grant him all consequential benefits.*
- (iii) Grant such other reliefs as may be prayed for and as the Court may deem fit to grant,*
- (iv) Grant the cost of this Original Application.”*

2. The applicant is aggrieved by the inaction on the part of the respondents to accept his application for voluntary retirement from the cadre of Assistant Accounts Officer with effect from 28.09.2018 with consequential benefits.

3. Brief facts of the case are:-

The applicant has been promoted to the post of Assistant Accounts Officer, being the feeder cadre of Senior Accountants along with other 9 officials. The applicant is entitled to voluntarily retire from the forenoon of 28.09.2018. The basic contention raised by the applicant is that he has made an application for voluntary retirement, which has not been accepted by the respondents. He was officiating as an Assistant Accounts Officer from 08.12.2015. He submits that there is no monetary benefits attached to it. He has filed a document at Annexure A-7, where the two persons, Mr. P.G. Muraleedharan Nair and Mrs. Sreekumari were allowed to retire in the cadre of Assistant Accountants Officer. He seeks a similar treatment.

4. Notices were issued and Mr. K.N. Radhakrishnan, learned counsel for the respondents appeared and filed a detailed reply statement.

5. Learned counsel for the respondents submits that the initial application for voluntary retirement was conditional and due to the objection by the Department, the same was withdrawn and fresh application was submitted as Annexure A-2 dated 07.09.2018. He has further submitted that the contention of the applicant is not maintainable as applicant was given the officiating promotion. He has relied upon Annexure R-3 (g), whereby the Department ordered “*in accordance with the instruction contained in Postal Directorate communication No. 301 (21)/2017/PA Admn III/121 dated 02.04.2018 (A/N), following officials who are promoted as Assistant Accounts Officer purely on temporary and officiating/adhoc basis stands reverted to their substantive cadre of Senior Accountant with effect from 02.04.2018. The listed Senior Accountants are promoted as Assistant Accounts Officers purely on temporary and officiating/adhoc basis in the Level-8 of pay matrix, with effect from 04.04.2018 (F/N) or from the date of assumption of duty, against the regular vacancy in the AAO Cadre for a period of 180 days or till the process of recruitment through Departmental Examination (LDCE) for AAO is complete, whichever is earlier.*” Thus he submits that there is no claim for the applicant particularly based upon Annexure A-7 notice, whereby Department itself has allowed two persons to retire voluntarily without reverting them to their substantive Senior Accountant Cadre.

6. This Tribunal see no reason why the same treatment cannot be given to the applicant as there is no monetary benefits to him. Accordingly, this Tribunal finds merit on the side of the applicant and the O.A is allowed. The applicant be allowed to retire from the post of Assistant Accounts Officer like other two officers were allowed to retire on the same post. There shall be no order as to costs.

(Dated, 29th January, 2020.)

**(ASHISH KALIA)
JUDICIAL MEMBER**

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Applicant's Annexures

Annexure A-1 - A true copy of the request dated 27.06.2018 submitted by the applicant to the Director of Accounts, Kerala Circle.

Annexure A-2 - A true copy of the representation dated 07.09.2018 submitted by the applicant before the Director of Accounts (Postal).

Annexure A-3 - A true copy of the letter TR No. 1614/ Admin.I/ EI/ C-53B/Vol-VI/2018-19 dated 24.09.2018 issued on behalf of the 3rd respondent.

Annexure A-4 - A true copy of the Order No. O.O. No. 71/ Admin.I/ E.I/C-53A/Vol-VI/2018-19 dated 12.12.2018 issued on behalf of the 3rd respondent.

Annexure A-5 - A true copy of the reversion Order No. O.O. No. 250/Admin.E.I/C-10B/Vol-VI/2018-19 dated 28.09.2018 issued on behalf of the 3rd respondent.

Annexure A-6 - A true copy of the application dated 18.09.2019 submitted by the applicant to the Director of Accounts.

Annexure A-7 - A true copy of the reply issued as per letter No. 1177/Admn.I/Eiii/RIA/F65/C/50/2019-20 dated 17.10.2019 along with the documents released.

Annexures of Respondents

Annexure R-3(a) - True copy of the letter No. 301(21)/2017/PA Admn.III/Part/121 to 174 dated 02.04.2018.

Annexure R-3(b) - True copy of the order O.O. No. 49/Admn.I/E.I/C-10B/Vol-V/2015-16 dated 09.12.2015.

Annexure R-3(c) - True copy of the order O.O. No. 93/Admn.I/E.I/C-10B/Vol-V/2016-17 dated 06.06.2016.

Annexure R-3(d) - True copy of the order O.O. No. 120/Admn.I/E.I/C-10B/Vol-V/2016-17 dated 03.11.2016.

Annexure R-3(e) - True copy of the order O.O. No. 154/Admn.I/E.I/C-10B/Vol-VI/2016-17 dated 23.03.2017.

Annexure R-3(f) - True copy of the order O.O. No. 193/Admn.I/E.I/C-10B/Vol-VI/2016-17 dated 19.10.2017.

Annexure R-3(g) - True copy of the order O.O. No. 213/Admn.I/E.I/C-10B/Vol-VI/2018-19 dated 05.04.2018.

Annexure R-3(h) - True copy of the letter No. 301(21)/2017/PA/Admn.III/121 to 174 dated 02.04.2018.

Annexure R-3(i) - True copy of the office order No. 213/ Admn.I/ E.I/ C-10B/Vol. VI/2018-2019 dated 05.04.2018.

Annexure R-3(j) - True copy of the office order No. 250/ Admn.I/E.I/ C-10B/Vol.VI/2018-19 dated 28.09.2018.

Annexure R-3(k) - True copy of the leave application submitted by the applicant.

Annexure R-3(l) - True copy of the office order No. 271/ Admn.I/ E.I/ C-53A/Vol. VI/2018-19 dated 12.12.2018.
