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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.1186 of 2001

New Delhi, this the 31st day of May, 2001

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

ASI Gaja Nand No.3997/D
son of Shri Desh Raj
Resident of 254, Police Colony, Phase-I
Ashok Vihar, New Delhi

-APPLICANT

(By Advocate: Dr.S.P. Sharma)

Versus

1. Union of India
(through Secretary)
Ministry of Home Affairs
South Block, New Delhi
2. The Commissioner of Police
Police Head Quarters, MSO Building
I.P.Estate, New Delhi
3. The Deputy Commissioner of Police
Special Branch,
Police Head Quarters, ITO
New Delhi

-RESPONDENTS

(By Advocate: Shri Mohit Madan, proxy for Mrs.Avnish Ahlawat)

O R D E R (ORAL)

By Hon'ble Mr.Kuldip Singh, Member(Judl)

This OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act whereby the applicant has assailed order dated 30.4.2001 vide which the department has revoked the acceptance of voluntary retirement notice submitted by the applicant.

2. Applicant has submitted that he had joined service on 11.1.1961 as Constable and after completing 41 years of service, had decided to take voluntary retirement w.e.f. 31.5.2001. His request for voluntary retirement was accepted vide order dated 19.4.2001 (Annexure P-2). On the same day, a show cause notice had also been issued (Annexure P-4) to the applicant whereby



the department intended to withdraw the acceptance of voluntary retirement and also gave an opportunity to the applicant to represent against the said notice within seven days.

3. I have heard learned counsel for the parties and gone through the records.


4. Learned counsel for the applicant has drawn my attention to Rule 48A of CCS (Pension) Rules which deals with verification of qualifying service before giving notice and particularly with guidelines for acceptance of notice. After reading the same, learned counsel for the applicant submitted that since applicant's notice of voluntary retirement had been accepted, the department could not have revoked the same on the plea that some vigilance inquiry was pending and an inquiry has to be initiated against him. However, to my mind, this guideline also reads simultaneously that "even where the notice of voluntary retirement given by a Government servant has been accepted, the competent authority may issue an order to the contrary before the expiry of the period of notice."

5. In the present case, before the period of expiry of notice for voluntary retirement, the department had issued an order contrary to the acceptance of notice. In view of the fact that this notice had been issued by the respondents before the expiry of the period of notice, I find that the department was within ^{their} ~~his~~ rights

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to issue such an order as it had come to the conclusion that some vigilance/disciplinary proceedings were pending and an inquiry was to be initiated against the applicant.

6. Under these circumstances, I am of the opinion that the notice of revocation of voluntary retirement is valid and the OA does not call for any interference. It is, therefore, dismissed. No costs.



(KULDIP SINGH)
MEMBER(JUDL)

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