

(26)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2301/2001

This the 27th day of February, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Shri Daljeet Singh
Ex. HC No.8th Bn DAP
9018/DAP

R/o H.No.8Z, Vill & PO Khanpur
New Delhi.

....Applicant

(By Advocate: Sh. H.K.Gangwani)

versus

Govt. of NCTD : through

1. The Commissioner of Police
Police Headquarters
ITO, New Delhi - 110 002.

2. The Deputy Commissioner of Police
8th Battalion, DAP
New Delhi.

....Respondents

By Advocate: Mrs. Jasmine Ahmed)

O R D E R (ORAL)

Applicant has filed this OA seeking retiral benefits as he says that he has served a notice of voluntary retirement which was annexed vide Annexure A-1. Applicant was deemed to have been retired from service w.e.f. 27.5.2001 but he cannot apply for commutation part of pension before the expiry of period of 3 months, i.e., 27.8.2001. This order was issued on 23.5.2001. However, the respondents pleaded that subsequently on 24.5.2001 they found that the request for voluntary retirement from service have been accepted under a mistaken belief that applicant has completed 20 years of service. So respondents have issued another letter on 24.5.2001 by withdrawing the order dated 23.5.2001. The said letter of withdrawal dated 24.5.2001 has not been served upon the applicant so the same was not be challenged by the applicant in this OA.



2. Learned counsel for respondents has produced the record that they had made several attempts to serve the letter dated 24.5.2001 through messenger but applicant refused to accept the letter and misbehaved with him. After that this letter was sent to the applicant by registered post 2-3 time but the same has been returned to them with postal remarks 'refused'. In nutshell, the letter could not be served on the applicant.

3. I think this OA can be disposed of at this stage itself by directing the applicant to accept the letter dated 24.5.2001 and the same shall be treated as if it is served today itself and applicant may file a separate OA challenging the order dated 24.5.2001. Since that order has not been challenged in this OA, I allow the applicant liberty to challenge the order dated 24.5.2001 by filing a separate OA. Copy of letter dated 24.5.2001 is given to the applicant who is also present in the Court.

4. OA stands disposed of with the above observations. No costs.


(KULDIP SINGH)
Member (J)

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