

6

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

...

OA. No. 392 of 1990

Dated New Delhi, the 19th day of August, 1994

Hon'ble Shri A. V. Haridasan, Member(J)

Hon'ble Shri B. K. Singh, Member(A)

Shri B. L. Verma
R/o 11 Ram Nagar Colony
Behind Phateh Singh Sumad
ALWAR

... Applicant

By Advocate: Shri V. P. Sharma

Union of India through VERSUS

1. The Member(Personnel)
P&T Board, Dak Tar Bhawan
NEW DELHI
2. The Post Master General
Rajasthan Circle
JAIPUR
3. The Director Postal Services
Rajasthan Eastern Region
JAIPUR
4. The Supdt. of Post Offices
Alwar Dn.
ALWAR

... Respondents

By Advocate: Shri N. S. Mehta

O R D E R
(Oral)

Shri A. V. Haridasan, M(J)

The applicant has challenged the order dated 4.12.87 passed by Director of Postal Services, Jaipur (Annexure A/1) by which he was compulsorily retired from service under Rule 48 of CCS(Pension) Rules, 1972 and FR 56(J). The only ground on which the impugned order is assailed is that counting from the date on which the order of retirement was issued i.e., 4.12.87, the period of three months notice would not be over on 16.2.88 the date on which the applicant was compulsorily retired from service, and therefore,

Contd...2

Rule 48 of the CCS(Pension)Rules, 1972 for issue of three months' notice or payment of three months' pay in lieu thereof, has not been complied with.

2. We have heard the learned counsel for the applicant and gone through the averments made in the OA and the reply filed by the respondents opposing the grant of reliefs prayed for, by the applicant. A reading of the impugned order makes it clear that when the order/notice of retirement dated 26.10.87 sent by registered post on 9.11.87 was refused to be accepted by the applicant when tendered to him on 16.11.87 the impugned letter dated 4.12.87 was issued in continuation of the note/order dated 26.10.87. Refusal to accept notice amounts to valid service of notice. As the applicant refused to accept the note when tendered on 16.11.87 counting from the date a period of three months would elapse on 15.2.88 and therefore the action of the respondents retiring the applicant with effect from 16.2.88 is perfectly in order as the provisions of Rule 48 of CCS(Pension)Rules, 1972 have been fully complied with.

3. Therefore we do not find any illegality in the impugned order. We dismiss this application leaving the parties to suffer their own costs.

(B. K. Singh)
Member(A)

(A. V. Haridasan)
Member (J)