

Central Administrative Tribunal
Principal Bench: New Delhi.

Regn. No. OA-907/90

Date of Decision: 1.6.1990.

Shri Anisur-Rehman

.... Applicant.

Vs.

Union of India & Ors.

.... Respondents.

For the applicant

.... Shri Y.R. Malhotra,
Advocate.

For the respondents

.... Shri K.L. Bhandula,
Advocate

COPAM: Hon'ble Shri T.S. Oberoi, Member (Judicial).
Hon'ble Shri I.K. Rasgotra, Member (Administrative).

JUDGEMENT (ORAL)

(Judgement of the Bench delivered by
Hon'ble Shri I.K. Rasgotra, Member (A))

The learned counsel for the applicant submitted that he has made a request for voluntary retirement dated 11.1.1990 received by the respondents on 1.2.1990, on completion of 20 years of service. He later requested the respondents on 8th May, 1990 that he should be relieved from service on voluntary retirement with effect from 15.6.90 instead of 30.4.1990 vide his letter 8.5.1990. He also stated in the said letter that he intended to avail L.T.C. during the month of May, 1990. This request was, however, made after the expiry of the period of notice. The learned counsel for the applicant pleaded that the applicant continued in service upto 10th May, 1990 as he attended the office from 1.5.90 to 10.5.1990. Further the order accepting the request of the applicant for voluntary retirement was issued by the respondents on 8.5.1990. Thus effectively, the applicant continued to be in service upto 8.5.1990. No payment for the said period has been made by the respondents. He, therefore, prayed that the applicant should be taken to have continued in service upto 10th May, 1990. In any case, he has claimed to have continued in service upto 8th May, 1990 with the respondents accepting his request for voluntary retirement.

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2. The learned counsel for the respondents, Shri K.L. Bhandula, brought to our notice Rule 48A of the CCS (Pension) Rules which clearly provides that the request for voluntary retirement should become effective on the date the notice period expires unless the request for voluntary retirement is refused by the appointing authority. In this case there was no refusal by the appointing authority. Further, the request of the applicant for seeking extension of notice period from 30th April, 1990 to 15th June, 1990, was made on 8th May, 1990. This request is again not in conformity with Rule 48 A (iv), in terms of which any such request has to be made before the intended date of retirement.

The learned counsel pleaded that if the applicant attended the office after 30th April, 1990 afternoon, he did so of his own will and that he was not required to do so, the voluntary retirement having become effective from 30th April, 1990.

3. We have perused the records and considered the contentions raised by the learned counsel for both the parties. We do not find any significant reason which would lead us to consider the request of the applicant to interfere with the administrative decision taken in accordance with the rules. Accordingly, the OA is dismissed without any order as to costs, at the stage of admission itself.

4. The learned counsel for the applicant further submitted that the applicant has not so far been paid his terminal benefits. We appreciate that this is not a case of normal retirement, nonetheless, over one month has passed since the voluntary retirement became effective. In such cases, normally more time is spent in finalising the matter, but the respondents should make every effort in consonance with the learned counsel for the applicant, to finalise the dues to the applicant. We are, therefore, of the view

that no specific directions in the matter are necessary but the respondents should do their best to finalise the dues of the applicant, as early as possible.

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(I.K. Rasgotra)
Member (A) 16/90

dk
(T.S. Oberoi)
Member (J)