

In the Central Administrative Tribunal  
Principal Bench: New Delhi

(14)

OA No.1255/92

Date of decision:19.02.93.

Shri Chander Narain

...Petitioner

Versus

Lt. Governor, Delhi  
Administration & Others

...Respondents

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member (A)

For the petitioner  
For the respondents

Shri Rajeev Sharma, Counsel.  
Shri Ravinder Dayal, Counsel  
with Shri Karnail Chand,  
Administrative Officer.

Judgement(Oral)

Heard the learned counsel for both the parties.

2. The controversy in this case is that the petitioner who was working as Lower Division Clerk in the office of the respondents. <sup>He</sup> submitted his request for retiring voluntarily from service on 6.1.1986 on health grounds. His date of birth is 9.12.1935 and he had joined served on 23.12.1953. The respondents directed him to appear before the Medical Board vide memo dated 3.2.1986. As he did not appear before the Medical Board, another memo was served on him on 2.4.1986. The petitioner appeared before the Medical Board and was declared medically fit by the Medical Board on 8.9.1986. Thereafter he is said to have reported for duty, but was not allowed to join. It is in this background that he has filed this O.A. praying for the following reliefs:-

- i) The petitioner may be allowed to retire voluntarily after completion of 20 years and his dues may be settled.

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- ii) The respondents be directed to give posting place to the petitioner.

3. The learned counsel for the petitioner submitted that he is not pressing for the second relief. The only grievance to be redressed, therefore, in the case of the petitioner is that he should be allowed to retire voluntarily after he had completed 20 years' of service with all retirement benefits as due. The learned counsel for the petitioner fairly conceded that if the petitioner is allowed to retire voluntarily w.e.f. 6.1.1986 he would be satisfied.

4. Shri Ravinder Dayal, learned counsel for the respondents submitted that the respondents would have no objection to retire the petitioner voluntarily, as requested by him, vide his letter dated 6.1.1986.

5. Voluntary retirement is provided in the statutory rules and if a Government servant after he has put in the requisite qualifying service or more, there is no conditionality attached to his voluntary retirement. Rule 48-A of CCS (Pension) Rules provides that a Government servant who has completed 20 years' qualifying service, by giving notice of not less than five months in writing to the appointing authority, retire from service at any time. It further provides that the notice of voluntary retirement shall require acceptance of the appointing authority provided that "where the appointing authority does not refuse to grant

the permission for retirement before the expiry of the period specified in the said notice, the retirement shall become effective from the date of expiry of the said period."

6. I have perused the notice given by the petitioner. Apparently, since it did not indicate the specific date on which he would like to proceed to voluntary retirement and he mentioned health reasons for seeking such voluntary retirement, the competent authority considered it desirable to seek the opinion of the Medical Board, although there was no such reason since the petitioner had already completed almost 33 years's of service. All that was required was to ask the petitioner to specify the date on which he would like to proceed on voluntary retirement. The learned counsel for the petitioner, as adverted to earlier submitted that he would be satisfied if the petitioner is allowed to retire voluntarily w.e.f. 6.1.1986.

7. In view of the above facts and circumstances of the case, I direct that the respondents shall deem the petitioner to have voluntarily retired from service w.e.f. 6.1.1986, as the petitioner had already rendered 33 years' of service.

8. The learned counsel for the petitioner undertakes to ensure that all the necessary papers/forms in regard to pension, D.C.R.G. etc. shall be filled

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in by the petitioner and submitted to the respondents' office within one month from today. Thereafter the respondents shall take action to ensure that final settlement of the petitioner is effected with utmost expedition and preferably within three months from the date of receipt of the necessary papers. The O.A. is allowed, as above. No costs.

  
(I.K. Rasgotra)  
Member (A)

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