

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH  
KOLKATA

**LIBRARY**

O.A. No.350/00924/2020.

Date of order : This the 25<sup>th</sup> Day of November, 2020.

**Hon'ble Mrs. Bidisha Banerjee, Judicial Member**

**Hon'ble Mr Tarun Shridhar, Administrative Member**



Pradip Kumar Dutta,  
Son of Khirode Lal Dutta,  
Residing at 16(34/1),  
Prantik Sarani, Dum Dum Cantonment,  
Kolkata – 700065.

..... Applicant.

By Advocate Mr B. Bhusan

-Versus-

1. Union of India  
through the Secretary,  
Department of Post,  
Dak Bhawan, Sansad Marg,  
New Delhi -110001.
2. The Director General (Postal Services),  
Dak Bhawan,  
Sansad Marg,  
New Delhi - 110001.
3. The Chief Post Master General,  
West Bengal Circle,  
Yogayog Bhawan,  
Kolkata - 700 012.
4. The Director of Postal Services,  
Kolkata Region,  
Yogayog Bhawan,  
Kolkata - 700 012.
5. The Senior Superintendent of Post,  
North Kolkata Division, Belgachia,  
Kolkata - 100037.
6. The Post Master,  
Dum Dum MDG,  
150, R.B.C. Road,  
Kolkata - 700 028.

..... Respondents.

BY Advocate Mr P.K. Das.

*Dr*

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**ORDER (ORAL)****Mr Tarun Shridhar, Member(A)**

The applicant in this O.A has sought for the following reliefs :

"8.a) To set aside and quash impugned order passed No.B1/83/VR/N. Kol/Ch. 1 dated 01.09.2020 by the Senior Superintendent of Post Offices, North Kolkata Division (Annexure "A-15").

b) To quash the impugned memo No.B/P-54/N/II dated 21/25.02.2020 whereby the pay and the allowance of the applicant has been withheld by the office of the respondent No.5 (Annexure "A-11").

c) Direction upon the respondent Nos. 3 to 5 to grant the Voluntary Retirement on medical ground in favour of the applicant.

d) Direction upon the respondent Nos. 3 to 5 to release the salary upon granting the required leave as per the CCS Leave Rules upon considering the medical condition of the applicant.

e) Direction upon the respondent Nos. 3 to 5 to adjust the due amount imposed by way of minor penalty from the accrued retiral benefit in order to grant the voluntary retirement upon considering the medical condition.

f) Direction upon the respondent Nos. 3 to 5 to release the medical reimbursement claim of Rs. 23,893/- dated 10.01.2016 and Rs. 48,392/- dated 24.02.2020 forthwith.

g) Direction upon the respondents to constitute the medical board, if any required for granting the voluntary retirement on medical ground.

h) Production of record;

i) Cost;

j) Further order or orders as may be deem fit and proper."

2. During the course of hearing of this O.A, the learned counsel for the applicant prays for a limited relief i.e. his application for voluntary retirement from service may be accepted as he is medically unfit to perform his duties.

3. Learned counsel for the respondents submits that a penalty of recovery of a sum of Rs.8,46,574/- has been imposed upon the applicant by way of disciplinary proceedings under CCS(CCA) Rules. Hence his application for



voluntary retirement has been rightly rejected by the competent authority and the applicant has been informed accordingly.

4. Learned counsel for the applicant submits that whatever amount is required to be recovered from the applicant can be made good from the financial benefits which may be due to him on the acceptance of his request for voluntary retirement.

5. In the record we find that the Senior Superintendent of Post Offices has quoted Rule 48 of CCS (Pension) Rules in support of his decision to reject the request of the applicant. We do not find any provision in the said rule which binds and makes it obligatory for the competent authority to reject such a request. The applicant has furnished sufficient documents in support of his medical condition. Further, his unwillingness to continue in Government service should also be the sufficient reason to consider his request favourably.

6. Accordingly, after careful consideration we issue a direction to the respondents to make an order retiring the applicant voluntarily from Government service immediately, not later than a period of 30 days from the date of receipt of a copy of this order. The period for which he has been absent from duty and applied for leave be regularized by way of sanctioning leave of any kind due or extra ordinary leave, in case there is no leave in balance in his service record.

7. O.A is disposed of with the above direction. No order as to costs.

*✓ -*  
(TARUN SHRIDHAR)  
MEMBER (A)

(BIDISHA BANERJEE)  
MEMBER (J)