

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 27th day of May 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

O. A. No. 581 of 2002.

Laloo Ram Gupta, S.P.M., Jhansi, R.S., H.No.2893, Patel Nagar,  
Orai, Dist. Jalaun.....

..... Applicant.

Counsel for applicant : Sri A.K. Singh.

Versus

1. The Union of India through Secretary, Ministry of Communication  
Department, New Delhi.

2. The Post Master General, Agra Region, Agra.

3. Senior Superintendent of Post Offices, Jhansi Division, Jhansi.

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..... Respondents.

Counsel for respondents : Sri R.C. Joshi.

O R D E R (ORAL)

BY HON. MR. S. DAYAL, A.M.

This application has been filed for setting aside the order dated 26.4.02 and to direct the respondents to comply with the order dated 10.1.02. A further direction is sought to the respondents not to recover due amount of Rs.61,150/= from D.C.R.G. and permit his voluntary retirement w.e.f. 7.11.01.

2. The applicant claims that he was working as Sub-Post Master, Jhansi and some irregularities were detected and an amount of Rs.69,600/= was to be recovered from the applicant. The applicant gave a notice dated 7.8.01 for voluntary retirement. He also gave his consent for recovery of the amount pending to be recovered out of a total of Rs.69,600/= from his D.C.R.G. The Post Master General, Agra allowed voluntary retirement w.e.f. 7.11.01. However, subsequently, he has been given a letter of Senior Superintendent of Post Office, Jhansi in which it has been stated that the competent authority had not permitted voluntary retirement in case of the applicant. This letter dated 26.4.02 is impugned in this O.A.

3. I have heard Sri A.B. Singh, B.H. of Sri A.K. Singh for applicant and Sri G.R. Gupta, B.H. of Sri R.C. Joshi for respondents.

4. I find that Rule 48 of CCS (Pension) Rules 1972 provides that at any time after a Govt. servant has completed 30 years qualifying service, he may ~~be~~ retire<sup>l</sup> from service by giving a notice in writing to the appointing authority at least three months before the date from which he wishes to retire. The rule also precludes such a Govt. servant from withdrawing his request for voluntary retirement except with the approval of the appointing authority and such request for withdrawal has to be made within an intended date of retirement. I find that the applicant in his notice dated 7.8.01 has stated that he has continuously worked for more than 35 years and wishes to take voluntary retirement after three months. No order has been passed by the respondents till 7.11.01 and thus, the period of three months notice had already expired. The appointing authority to whom the prayer for voluntary retirement was made, was Post Master General, Agra Circle, Agra. By letter dated 10.1.02, issued from the office of Post Master General, Agra, a permission was communicated to SSPO, Jhansi under intimation to the applicant that the Director, Postal Services had permitted the applicant to retire voluntarily w.e.f. 7.11.01. It appears that the Senior Superintendent of Post Offices, Jhansi had on account of the mention of DPS, Agra as permitting voluntary retirement, written to the applicant that competent authority had not permitted the applicant for voluntary retirement. It appears that it has been overlooked by Respondent No.3 that the period of three months was already over and the voluntary retirement of the applicant had already come into being as the competent authority did not inform the applicant one way or the other before the period of three months expired. There appears to be no charge-sheet

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existing against the applicant as is clear from communication dated 10.1.02. The impugned letter also does not mention of existence of any disciplinary/vigilance case against the applicant. Under the circumstances, the applicant shall be deemed to have retired w.e.f. 7.11.01 and the respondents shall settle his claims as per rule within a period of three months from the date of receipt of a copy of this order.

No order as to costs.

*Shanu*  
A.M.

Asthana/  
29.5.02