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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No. 1060 of 2012
Cuttack, this the 14th day of January, 2013

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE MR.R.C.MISRA, MEMBER(ADMN.)

Sri Bipra Panigrahi,
Aged about 58 years,
Son of Late Govinda Panigrahi,
At/Post-Dura,
Berhampur,
Ganjam,
Odisha-760014
Working as MTS,
RMS BG Division,
Berhampur.

....Applicant

(By Advocate :Mr.P.K.Padhi)

-VERSUS-
Union of India represented through-

1. Secretary Cum Director General of Posts,
Dak Bhawan,
Sansad Marg,
New Delhi-110 116.
2. Postmaster General,
Berhampur Region,
At/Po.Berhampur,
Dist. Ganjam-760 001.
3. Superintendent,
RMS BG Division,
At/Post.Berhampur,
Dist.Ganjam,
Odisha-760 005.

.....Respondents

(By Advocate : Mr.M.K.Das)

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O R D E R (oral)**A.K.PATNAIK, MEMBER (J):**

The Applicant who is a Gr.D/MTS employee of the Postal Department has filed this Original Application stating therein that after completion of more than 20 years of regular service, he applied for voluntary retirement due to his illness and his request to go on voluntary retirement rejected by the Respondent No.3 without assigning any valid reason merely by stating 'administrative inconvenience'. According to the Learned Counsel for the Applicant the Applicant has a right to seek and go on voluntary retirement as per Rules as he is neither under suspension nor any disciplinary proceedings are pending against him. Hence while seeking quashing of the order of rejection under Annexure-A/3, the applicant has prayed to direct the Respondents to reconsider his request for voluntary retirement.

2. Copy of this OA has been served on Mr.M.K.Das, Learned Additional Standing Counsel for the Union of India who is also present in court for the Respondents. Heard Mr.P.K.Padhi, Learned Counsel for the Applicant and Mr.M.K.Das, Learned Additional Standing Counsel appearing for the Respondents. On being asked what are the administrative inconvenience^{one} which prohibited the Respondents to accept the request of the Applicant, Mr.Das, Learned Additional Standing Counsel submitted that since details of administrative inconvenience^{one} is lacking in the order, if time is allowed he can obtain

instruction and apprise this Tribunal on the said aspects. But we are not inclined to accept the request of Mr.Das, Learned Additional Standing Counsel appearing for the Respondents as we find that the order under Annexure-A/3 is without any reason although time and again it has been reiterated by various Courts/Tribunal that failure to give reasons amounts to denial of justice as reasons are live links between the mind of the decision taker to the controversy in question and the decision or conclusion arrived at. In this connection, reliance has been placed on the decisions of the Hon'ble Apex Court in the cases of **State of West Bengal v. Atul Krishna Shaw & Anr.**, AIR 1990 SC 2205 & **S.N. Mukherjee v. Union of India**, AIR 1990 SC 1984.

3. Since the impugned order dated 10.9.2012 is contrary to the law laid down by the Hon'ble Apex Court in the cases referred to above, the order dated 10.09.2012 is hereby quashed and the matter is remitted back to the Superintendent, RMS BG Division, Berhampur (Gm)-5/Respondent No.3 to reconsider the application of the applicant for voluntary retirement and intimate the result in a well reasoned/speaking order within a period of thirty days from the date of receipt of copy of this order.

4. With the aforesaid observation and direction this OA stands disposed of at this admission stage. No costs.



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5. Subject to payment of postal requisites by the Applicant within two days hence, copy of this order along with OA be sent to Respondent No.3 for compliance.



(R.C.Misra)
Member (Admn.)



(A.K.Patnaik)
Member(Judicial)

