

16

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

O.A.No.481/06

Thursday this the 31<sup>st</sup> day of August 2006

**C O R A M :**

**HON'BLE MR.K.B.S.RAJAN, JUDICIAL MEMBER**

V.N.Bhaskaran,  
S/o.Narayanan,  
BOSUN,  
Central Institute of Fisheries, Nautical &  
Engineering Training, Cochin – 16.  
Residing at CIFNET, Quarters Type III, No.4,  
Pulleppadi, Cochin – 17.

...Applicant

(By Advocate Mr.T.C.Govindaswamy)

**Versus**

1. Union of India represented by  
the Secretary to Government of India,  
Ministry of Agriculture, Department of  
Animal Husbandry, Dairying & Fisheries,  
New Delhi.
2. The Director,  
Central Institute of Fisheries, Nautical &  
Engineering Training, Foreshore Road,  
Cochin – 16.
3. The Chief Instructor (Craft & Gear),  
Central Institute of Fisheries, Nautical &  
Engineering Training, Foreshore Road,  
Cochin – 16.
4. Sri.V.A.Uthaman,  
BOSUN,  
Central Institute of Fisheries, Nautical &  
Engineering Training, Ministry of Agriculture,  
Department of Animal Husbandry,  
Dairying & Fisheries, Chennai.
5. Sri.Manikfan,  
Director,  
Central Institute of Fisheries, Nautical &  
Engineering Training, Foreshore Road,  
Cochin – 16.

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6. Sri.Salim,  
The Chief Instructor (Craft & Gear),  
Central Institute of Fisheries, Nautical &  
Engineering Training, Foreshore Road,  
Cochin – 16. ...Respondents

(By Advocate Mrs.Mariam Mathai,ACGSC &  
Mr.TPM Ibrahim Khan,SCGSC (R5&6)

This application having been heard on 31<sup>st</sup> August 2006 the Tribunal  
on the same day delivered the following :-

ORDER

HON'BLE MR.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant is aggrieved by order dated 22.6.2006 whereby his  
representation dated 6.5.2006 for retention up to 31.12.2006 after which he  
would request for retirement had been rejected. The said representation  
dated 6.5.2006 is in pursuance of order dated 27.4.2006 in O.A.244/06.  
The said order reads as under :-

" Counsel for the applicant requested that the  
applicant may be permitted to make a comprehensive  
representation to the authorities concerned on his  
proposed voluntary retirement and related matter and the  
respondents be directed to dispose of the same within a  
fixed time frame. Counsel for the respondents has no  
objection in adopting such a course of action. The  
applicant is directed to make a comprehensive  
representation to the authorities concerned within a period  
of one week from the date of receipt of a copy of this order  
and on receipt of the same the competent authority is  
directed to dispose of the said representation within a  
period of one month thereafter and the same may be  
communicated to the applicant immediately. The applicant  
is allowed to continue in the present position till such a  
disposal is communicated to him. With these the O.A is  
disposed of. The interim order passed on 19.4.2006 is  
vacated and the applicant be retained in his present  
position till the disposal of the above representation."

2. From the above order it is evident that the applicant had already  
made it clear that he would be proceeding on retirement and this has been  
reflected in his representation dated 6.5.2006 which reads as under :-

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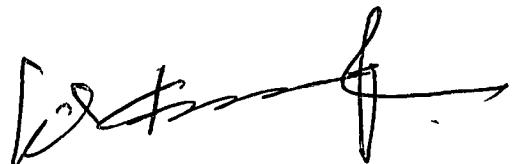
" Sir, I beg your kindness to the facts narrated above and allow me to continue at Kochi, at least up to 31.12.2006 from which date I desire to retire voluntarily upon hearing from your goodself. I once again appeal to you, sir to consider this representation on humanitarian grounds for which act of kindness I shall be ever grateful to you."

3. However, the respondents seem to be under a mistaken impression that the said representation cannot be treated as an application for retirement and rejected the representation vide order dated 22.6.2006.
4. Today, when the case came up for hearing, counsel for the applicant specifically stated that the applicant is willing to retire with effect from 1.1.2007 and to that effect he shall be filing an application to the authorities, if so required. As the applicant has already made it clear in the earlier representation as extracted above, which, when read along with order dated 27.4.2006, would make it abundantly clear that the said representation is nothing but an application for retirement, respondents are directed to take the same as an application for retirement under the relevant provisions of FR 56 (K) as well as Rule 48 (i) (a) of the CCS (Pension) Rules 1972. As the liberty available to the applicant to retire is absolute, the respondents shall consider the application dated 6.5.2006 (Annexure A-5) and accordingly pass suitable order, so that the applicant would retire with effect from 1.1.2007. In that event, the applicant will have just four months to serve and it will not be appropriate to disturb the applicant on a permanent transfer from Kochi. In fact transfer is not generally ordered during the last two years prior to retirement. If for any reason the applicant's services are required at Chennai it is always open for the respondents to depute him on temporary duty to accomplish the functional requirement.

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5. Accordingly, orders dated 7.4.2006, 22.6.2006 and 10.4.2006 so far as it relates to the applicant are hereby quashed and set aside. The application is disposed of with a direction to the respondents to act on the application for retirement of the applicant as stated above vide representation dated 6.5.2006 and pass appropriate orders within a period of one month from the date of communication of this order. It is made clear that there is no embargo in so far as posting of respondent No.4 to Kochi is concerned as the applicant cannot insist to continue in the same post at Kochi. In all expectations, there is vacancy to accommodate the applicant at Kochi as submitted by the applicant and in any event, within these four months the respondents have the liberty to depute the applicant on temporary duty at Chennai where he was originally posted.

(Dated the 31<sup>st</sup> day of August 2006)



K.B.S. RAJAN  
JUDICIAL MEMBER

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