

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.489/2002

Thursday this the 11th day of July, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

C.K.Kunjuraman,  
Postal Assistant (BCR)  
Kollam HO.

..Applicant

(By Advocate Mr. Thomas Mathew)

v.

1. Union of India, represented by  
its Secretary, Department of Posts,  
New Delhi.
2. The Director of Postal Services (SR)  
Office of the Chief Postmaster General,  
Kerala Circle, Trivandrum.
3. Senior Superintendent of Post offices,  
Kollam Division, Kollam. ..Respondents

(By Advocate Mr. K. Shri Mari Rao, ACGSC)

The application having been heard on 11.7.2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant, Postal Assistant (BCR), Kollam Head Office has filed this application impugning Annexure.A3 order dated 29.5.2002 by which his request for retirement under Rule 48 of the Central Civil Services (Pension) Rules has been rejected on the ground that during the pendency of the disciplinary proceedings initiated under Rule 14 of the CCS (CCA) Rules, 1965 it is not possible to accede to his request. The applicant has

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challenged this order and sought a declaration that he is entitled to retire on the afternoon of 31.7.2002 the expiry of notice period as per Annexure A1 notice and to direct the respondents accordingly.

2. It has been alleged in the application that the only situation under which a request for premature retirement under Rule 48 of the CCS (Pension) Rules can be withheld by the competent authority is while the incumbent is under suspension.

2. We have heard Shri Thomas Mathew, Learned counsel of the applicant and Shri Sri Hari Rao, ACGSC appearing for the respondents. We find no infirmity with the order of the respondents denying permission to the applicant's retiring prematurely because the proceedings for a major penalty under Rule 14 of the CCS (CCA) is admittedly pending against him. If the permission sought is granted, it would not be possible for the disciplinary authority to have the proceeding~~s~~ taken<sup>to</sup> its logical conclusion against the delinquent officer.

3. We find no reason *prima facie* to admit this application. Hence the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 11th day of July, 2002



T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

(s)

APPENDIX

Applicant's Annexures:

1. A-1 : True copy of applicant's request/notice dt. 18.4.2002 to retire from service under Rule 48 of CCS Pension Rules.
2. A-2 : True copy of Rule 48 of CCS Pension Rules 1972.
3. A-3 : True copy of letter No. B/K-11 dt. 29.5.2002 issued by the 3rd respondent.

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A.V. HARIDASAN  
VICE CHAIRMAN

