

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.516/2004

Thursday, this the 4th day of August, 2005.

CORAM:

HON'BLR MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER

C.K.Sukumaran, Postman,
Kumbalanghi Post Office,
Kumbalanghi. Applicant

(By Advocate M/s Santhosh & Rajan)

Vs.

1. Union of India represented by the Secretary,
Ministry of Communications, New Delhi.
2. The Chief Postmaster General,
Thiruvananthapuram.
3. The District Postal Superintendent,
Ernakulam.
4. The Senior Superintendent of Post Offices,
Ernakulam Division, Kochi-11.
5. Assistant Superintendent of Post Offices,
Kochi -11. Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

The application having been heard on 4th August, 2005
the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER

The applicant is now working as Postman. He was initially joined the department on 23.11.1983. He has got more than 20 years of service under the respondents. Due to his ill-health the applicant has applied for voluntary retirement before the 4th respondent which was rejected by A-1 and A-2 orders. Again he has made another representation (A3) on 3.1.2004 under Rule 48 A of the CCS(Pension) Rules, 1972, which was also rejected by A-4 order. Challenging the impugned order(A4) the applicant has filed this O.A.seeking the following reliefs:

- i.) To call for the records leading to Annexure A-4 order and set aside the same;



- ii) to declare that the applicant is eligible for voluntary retirement as per Rule 48 A of the Central Civil Services (Pension) Rules, 1972;
- iii) to direct the respondents to accept the Annexure A-3 notice of the applicants for voluntary retirement.

2. The respondents have filed a reply statement contending that, when the applicant was initially submitted his representation for voluntary retirement, the Scheme for Voluntary Retirement was not in force and his claim could not be considered and more over, at that time the conduct of the applicant was under clouds.

3. When the matter was taken up, Shri TA Rajan, learned counsel appeared for the applicant and SCGSC took notice for the respondents. Learned SCGSC submitted that he has received specific instructions from the department that, the department has already implemented the Voluntary Retirement Scheme(VRS for short) and found the applicant eligible for voluntary retirement under Sub rule (2) to Rule 48 A of CCS (Pension) Rules. He further submitted that there is no disciplinary proceedings against the applicant and his case would be considered.

4. In view of the above facts, this Court directs the applicant to make a fresh representation before the authority forthwith and they shall consider the said representation within fifteen days from the date of receipt of such representation. This Court also directs that since the applicant has made earlier representations, the department need not wait for three months.

5. The application is disposed of as above. In the circumstance, no order as to costs.

Dated the 4th August, 2005.



K.V.SACHIDANANDAN
JUDICIAL MEMBER