

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 107/98

Tuesday, this the 28th day of July, 1998.

CORAM

HON'BLE MR A.M. SIVADAS, JUDICIAL MEMBER

C.K. Balakrishnan,
S/o. Achuthan Nair,
Former Inspector of Police,
(Central Bureau of Investigation)
now under the Superintendent of Police,
Union Territory of Lakshadweep,
Kavarathi.

...Applicant

By Advocate Mr. T.C. Govindaswamy

Vs.

1. The Administrator,
Lakshadweep Administration,
Union Territory of Lakshadweep,
Kavarathi.
2. The Superintendent of Police,
Union Territory of Lakshadweep,
Kavarathi.
3. The Director,
Central Bureau of Investigation,
Block No.3, CGO Complex,
Lodhi Road, New Delhi.
4. Union of India through
The Secretary to the
Government of India,
Ministry of Home Affairs,
New Delhi.

...Respondents

By Advocate Mr. P.R. Ramachandra Menon, ACGSC

The application having been heard on 28.7.98, the
Tribunal on the same day delivered the following:

ORDER

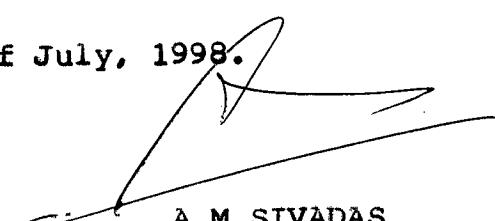
The applicant seeks to declare that he stands
retired from service of the respondents with effect
from 1.10.97 under rule 48 of the CCS (Pension)
Rules, 1972 and to direct the respondents accordingly.

necessary action. So, though A-1 is not addressed to the first respondent, the appointing authority of the applicant, since the third respondent to whom it is addressed has forwarded the same to the first respondent, the appointing authority, it can for all practical purposes be treated as a notice in writing to the appointing authority in compliance with the proviso to rule 48 (1) of CCS (Pension) Rules.

4. As per A-1, the applicant has opted for voluntary retirement with effect from 1-10-97. Since as per proviso to rule 48 (1) of CCS (Pension) Rules atleast three months advance notice is necessary, the first respondent, the appointing authority, can treat the request of the applicant to retire with effect from the date on which three months period lapses from the date of receipt of A-1 at his end. The learned counsel appearing for the applicant submitted that the applicant has no objection for the appointing authority, the first respondent, availing three months period from the date of receipt of A-1 at his end.

5. Accordingly, the first respondent is directed to consider A-1 as in compliance with rule 48 of the CCS (Pension) Rules and to pass appropriate orders on A-1 within one month from the date of receipt of a copy of this order, No costs.

Dated the 28th day of July, 1998.


A M SIVADAS
JUDICIAL MEMBER

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2. The applicant entered into service under the first respondent. While he was working as Assistant Sub-Inspector of Police, he was taken on deputation to the Central Bureau of Investigation and was posted as Sub-Inspector at Kochi. Subsequently, he was promoted as Inspector of Police and continued at Kochi. While so, since he was qualified to seek voluntary retirement he submitted A-1 request for voluntary retirement with effect from 1.10.1997. No order is passed on the said request. Respondents contend that the applicant has not submitted the request in writing to the appointing authority as provided under rule 48 of CCS (Pension) Rules and therefore, no action could be taken on the same. There is no case for the appointing authority of the applicant, respondent No.1, that there is anything standing in the way of granting the request of the applicant for voluntary retirement apart from that the request is not addressed to the appointing authority.

3. Proviso to rule 48 (1) of CCS (Pension) Rules says that a Government servant shall give notice in writing to the appointing authority atleast three months before the date on which he wishes to retire. Strictly speaking, there is no notice given by the applicant to the appointing authority seeking voluntary retirement for the reason that A-1 is addressed to the Director of Central Bureau of Investigation, New Delhi, whereas the appointing authority is the first respondent. It is the admitted case of respondents that the Director of Central Bureau of Investigation, New Delhi on receipt of A-1 submitted by the applicant forwarded the same to the first respondent, the appointing authority for

LIST OF ANNEXURES

1. Annexure A1: A true copy of the request dated 30.6.97 submitted by the applicant to the third respondent.

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