

**IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL ADDITIONAL BENCH,
BANGALORE**

ORDER SHEET

Application No. 472/86(F) of 198

Applicant

A. B. Virupakshappa

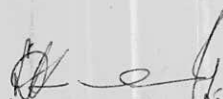
Advocate for Applicant

Mr. M. S. Nagaraja

Respondent

The Director of Telecommunications,
Mangalore & Dist.

Advocate for Respondent

Date	Office Notes	Orders of Tribunal
17-3-86.	<p>This Application presented in this Tribunal is praying to:-</p> <ol style="list-style-type: none"> 1. Direct Respondts. to continue the Applicant in service beyond 31-3-1986, treating the notice of withdrawal of the offer of Voluntary Retirement as final; 2. Quash the order dt. 3-12-85 of R-1; (Annex-F) and etc. <p>Interim order has been prayed for.</p> <p>Placed before the Bench for admission and interim order.</p> <p>& 19/3/86.</p>	
20-3-86	<p>Noted & Application issued to Respondts. 1 to 3.</p> <p>& 20/3/86.</p>	<p>Heard counsels for both parties. Application admitted. Respondents to file counter returnable within a period of 30 days. As for interim order the matter is posted for 31-3-'86 at 10.30 a.m. Notice to be served to all concerned.</p> <p align="right">  (L.H.A. Rego) Member (Admin) 20-3-1986 </p>

27-3-86. Notice dt. 20/3/86. Served to Res. 2.
DD Recd.

Date	Office Notes	Orders of Tribunal
31.3.86		<p>Heard Shri M.S. Padmarajiah, Sr. Central Government Standing Counsel for the respondents and Shri Dr. M.S. Nagmaja, Counsel for the Appellant. Arguments concluded. Orders will be pronounced at 2.30 PM on 2.4.86. The order of stay granted shall continue until the pronouncement of the final judgement.</p> <p><i>m/s</i></p> <p><i>[Signature]</i> Member (Adv.) 31-3-86</p> <p><i>[Signature]</i> Member (Crdl) 31.3.86</p>
3.4.86	<p>Reply and Memo of appearance on behalf of respondents are added to the file.</p>	
3.4.86	<p>C.G. Stdy. Counsel prays for copy of order dt. 31.3.86. Added Copy given at once. Self Registered 3/4/86 Added.</p>	
1.5.86	<p>Notice served to Dimensional Engineering (Telegraph), Hassan is added.</p>	
1.5.86	<p>Order of the Bench pronounced dated 2.4.86 is added to file.</p>	
- DO -	<p>Order dated 28.4.86 served to Applicant and Advocate for Respondent is added to file.</p>	
31.5.86	<p>I.F.O. Removed.</p> <p><i>[Signature]</i> s.h.</p>	

14 Shri Padmarajaiah next contends, that the matter did not end with the Memo dated 13.3.1985 issued by the Director, permitting the applicant to retire voluntarily from service, under Rule 48-A of the Pension Rules w.e.f. 30.9.1985, since the applicant later, submitted two letters ^{one} dated 10.9.1985 and ^{the other dated} 27.9.1985, to which we have already referred to above; ^{which} that on the basis of these two letters, the GM passed orders postponing the date of voluntary retirement of the applicant from 30.9.1985 to 31.3.1986 and ^{the} Director issued a Memo dated 3.12.1985 permitting the Applicant to retire voluntarily from service, under Rule 48A of the Pension Rules ^{with effect} from 1.4.86 (F/N). According to Shri Padmarajaiah, though no specific mention is made in ~~the~~ ^{the} aforesaid Memo in the ^{above} Memo dated 3.12.1985 to the Orders of the G.M., and ^{the} the letters ^{from the} of the Applicant dated 10.9.1985 and 27.9.1985, the notings on file (No.Staff/3-24/HSN) will bear out, that the said Memo was issued accordingly. Dr. M.S. Nagaraja submits, that his client had not stated categorically, in his letters, about the postponement of the date of voluntary retirement from 30.9.1985 to 31.3.1986, ^{but agreed} ~~It was because of the~~ ^{concerned} insistence of the authorities ~~that~~ the Applicant had ^{addressed} given a letter on 3.10.1985 addressed to the Respondent No.1, agreeing to the postponement of the date of his voluntary retirement from 30.9.1985 to 31.3.1986 'due to the prevailing circumstances'.

15 We have perused carefully, the ^{above} two letters of the applicant dated 10-9-1985 and 27-9-1985 addressed to the G.M. In the first letter he ^{had} requested the G.M. to set aside the arbitrary decision of rejection of withdrawal of the notice dated 1-4-1985, given by him for voluntary retirement and allow him to be in service. He ^{had} also added that if no favourable decision was forthcoming, he ^{would} be constrained to seek legal redress. In the second letter which was in the nature of a reminder to the first, he ^{had} appealed to the G.M. to intervene in the matter and permit him to withdraw his notice of voluntary retirement and allow him to continue in service, so that he could derive anticipated financial benefits. He ^{had} further requested, that his voluntary retirement might be ^{deferred} postponement at least till the disposal of the petition (i.e. ^{of 10.9.1985} ~~these~~ his earlier letter ^{by} by the G.M. Thus it is clear, that no where the applicant had spelt out any ^{specific} certain date on which he would ^{would} like to retire voluntarily. It is somewhat strange that the G.M., while passing orders on 30-9-1985, ^{to 9.11.} postponed ^{ed} ~~the~~ the date of voluntary retirement ^{specified by the respondent as 30.9.1985} set by him initially from 30-9-1985, to 31-3-1986, with a rider, that it ^{would} will be only a one-time postponement. ¹ The G.M. has not in these orders even referred in his orders to any oral request, oral or written, made by the applicant, for postponement of the date of his voluntary retirement from 30-9-1985 to 31-3-1986.

16. Shri Padmarajaiah however, relies on the letter of the applicant dated 3-10-1985 ^{of the respondent} addressed to Respondent No.3 in ^{wherein} which he ^{had} stated, "G.M.T. B.G. was kind enough to consider my plea favourably and issued an order

12 date of voluntary retirement specified by the respondent as 30.9.1985, to 31.3.86