

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

ORDER SHEET

Application No. 472186(F) of 198

Applicant

A. B. Virupakshappa

Advocate for Applicant

Dr. M. S. Nagayya.

Respondent

The Director of Telecommunications,
Mangalore & Dars.

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 Respondents to continue the Applicant in service beyond 31-3-1986, treating the notice of withdrawal of the Govt of Voluntary Retirement as final; 2. Quash the order dt. 3-12-85 of R-1, (Anon-F) and etc. <p>Interim order has been prayed for.</p>	
	<p>Placed before the Bench for admission and interim order.</p> <p>8 19/3/86.</p>	
20-3-86		<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>Notice of Application issued to Respondents 1 to 3.</p> <p>8 20/3/86.</p>	
27-3-86.	<p>Notice dt. 20/3/86. Served to Res. 2. AO Recd.</p>	

L.H.A. Regd
Member (Admn)
20-3-1986

Date	Office Notes	Orders of Tribunal
31.3.86		<p>Heard Shri M.S. Padmaja, Sr. Central Government Standing Counsel for the respondents and also Dr. M.S. Nagaraja, Counsel for the Applicant.</p> <p>Arguments concluded. Orders will be pronounced at 2.30 P.M. on 2.4.86. The order of stay granted shall continue until the pronouncement of the final judgement.</p> <p style="text-align: center;">M/S</p> <p style="text-align: right;">R. S. J. Member (Adm.) 31.3.86</p> <p style="text-align: right;">U. D. A. Member (Adm.) 31.3.86</p>
3.4.86	Reply and Memo of appearance on behalf of respondents are added to the file.	
3.4.86	C.G. Stg. Counsel pays for copy of order dt 31.3.86. Added Copy given to once.	
		Self Registered 3/4/86
1.5.86	Notice served to Dimensional Engineers (Telegraph), Hassan is added.	
1.5.86	Order of the Bench passed on 26.4.86 dated 2.4.86 is added to file.	
- 50 -	Order dated 28.4.86 Served to Applicant and Advocate for Respondent is added to file.	
31.5.86	I.P.O. Removed	

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 ^{the other dated} 10.9.1985 and 27.9.1985, to which we have already referred to above, 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 Director issued a Memo dated 3.12.1985 permitting the Applicant to retire voluntarily from service, under Rule 48A of the Pension Rules from 1.4.86 (F/N). According to Shri Padmarajaiah, though no specific mention is made in the aforesaid Memo in the ^{sparsely} Memo dated 3.12.1985 to the Orders of the G.M., and ^{above} and the letters of the ^{from 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 two letters of ^{above} ~~from to Respondent~~ the applicant dated 10-9-1985 and 27-9-1985 addressed to the G.M. In the first letter he ~~has~~ 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 ~~has~~ also added that if no favourable decision was forthcoming, he ~~would~~ ^{will} 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~~ further requested, that his voluntary retirement ^{defered} might be ~~postponement~~ atleast till the disposal of the petition (i.e. ~~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 ^{like} to retire voluntarily. It is somewhat strange that the G.M. while passing orders on 30-9-1985, ^{on 30-9-1985} ~~postponed~~ ^{Specified by} ~~Specified by~~ ~~the~~ ~~Applicant as~~ 30-9-1985, the date of voluntary retirement set by him initially ~~from 30-9-1985, to 31-3-1986, with a rider, that it will~~ be only a one-time postponement, ~~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.

to date of voluntary retirement specified by the Respondent as 30-9-1985, by 31-3-1986

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