

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

CAMP AT NAGPUR

Stamp

~~Q:XX~~ No. N-60/91 (OA 417/91) 198

~~Ex:XX>No.~~

DATE OF DECISION 12.7.1991

Mr. H.G. Kulkarni Petitioner

Mr. S.G. Jagtap Advocate for the Petitioner (s)

Versus

Union of India & Ors. Respondent

Mr. Ramesh Darda Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. U.C. Srivastava, Vice-Chairman

The Hon'ble Mr. P.S. Chaudhuri, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

U.C.

(U.C. Srivastava)
V/C

(5)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY
CAMP AT NAGPUR

Stamp Application No.N-60/91 (DA 417/91)

Haripandit Ganesh Kulkarni,
Quarter No.C/1, Postal Colony,
SSP Office Compound,
Amravati Camp, Amravati. ... Applicant

V/s

1. Union of India, Department of Posts, through its Director General (SPG), Dak Bhavan, Sansad Marg, New Delhi - 1.
2. The Chief Postmaster General, Maharashtra Circle, Bombay 400 001.
3. The Senior Supdt. of Post Offices, Amravati Division, Amravati Camp, Amravati - 444 602. ... Respondents

CORAM : Hon'ble Vice-Chairman, Shri U.C.Srivastava
Hon'ble Member (A), Shri P.S.Chaudhuri

Appearances:

Mr. S.G.Jagtap, Advocate
for the applicant and
Mr.Ramesh Darda, Advocate
for the respondents.

ORAL JUDGEMENT:

Dated : 12.7.1991

(Per. U.C.Srivastava, Vice-Chairman)

We have heard Mr. S.G.Jagtap, Advocate for the applicant and Mr.Ramesh Darda, Advocate who accepts notice on behalf of the respondents. We dispose of this case finally.

2. Admit.

3. The applicant who was a Deputy Superintendent of Post Offices, Amravati Division, after completion of 35 years of qualifying service gave notice to the Director General, Department of Posts, New Delhi on 26th March 1991 that he may be placed under voluntarily

(W)

retired list with effect from 4th July 1991 or expiry of three months from the date of receipt of this notice by the competent authority whichever is later. Even before the expiry of the three months notice period, the applicant vide his letter dated 6.6.1991 withdrew the notice stating that in the changed circumstances and other factors he is withdrawing the said notice. The copies of the letter were sent in advance to Director General, Department of Posts, New Delhi; CPMG, Maharashtra Circle, Bombay; PMG, Nagpur Region, Nagpur; LPS, Nagpur Region, Nagpur; Accounts Officer (P), Nagpur and SSP, Amravati Division. Notwithstanding the said withdrawal notice by which the applicant moved for withdrawal of his earlier notice of voluntary retirement and which was duly served in time, as is evident from the letter dated 6.6.91 by the Senior Superintendent of Post Offices, Amravati Division who forwarded the copy which was received by him to the Post Master General, Nagpur, the respondents vide order dated 1.7.91 accepted the notice of voluntary retirement with effect from 4.7.1991 even before 4.7.91 or expiry of three months. Respondents have no jurisdiction to pass any order accepting the voluntary retirement when the applicant withdrew his notice of voluntary retirement before the expiry of the said notice period of three months which was duly served. As such the order accepting the notice of voluntary retirement is without jurisdiction.

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4. Consequently this application deserves to be allowed and the order dated 1.7.91 accepting the notice of voluntary retirement dated 26.3.1991 is quashed and the applicant shall be deemed to be continuing in service with the consequences to follow. There will be no order as to costs.



(P.S.Chaudhuri)
Member(A)



(U.C.Srivastava)
Vice-Chairman