

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 17 FEB 1995

APPLICATION NO: 2076 of 1994.

APPLICANTS:- Sri.R.Bhaskar, Bangalore

V/S.

RESPONDENTS:- The Sr.Suptd.of Post Offices, Bangalore South Dvn.,
Bangalore and three others.,

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1. Dr.M.S.Nagaraja, Advocate, No.11, Second Floor,
First Cross, Sujatha Complex, Gandhinagar,
Bangalore-560 009.
2. Sri.G.Shanthappa, Additional Central Govt.
Standing Counsel, High Court Bldg, Bangalore-1.

Subject:- Forwarding of copies of the Orders passed by the
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 09-02-1995.

Issued on
17/02/95

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH: BANGALORE

ORIGINAL APPLICATION NUMBER 2076 OF 1994

THURSDAY, THIS THE 9TH DAY OF FEBRUARY, 1995.

Mr. Justice P.K. Shyamsundar,

Vice-Chairman.

Mr. T.V. Ramanan,

.. Member(A).

R. Bhaskar,
Aged 40 years,
S/o K.V. Ranganathan,
5/12, 12th Cross, Sampangiramanagar,
Bangalore-560 027.

.. Applicant.

(By Advocate Dr. M.S. Nagaraja)

v.

1. The Senior Superintendent of Post Offices, Bangalore South Division, Bangalore-560 041.
2. Sri B.M. Venkatesh,
Deputy Superintendent of Post Offices,
Bangalore Sout, Bangalore-560 041.
3. The Director of Postal Services,
Office of the Chief Post Master
General, Karnataka Circle,
Bangalore-560 001.
4. Union of India,
represented by Secretary to Govt.,
Department of Posts, Ministry of
Telecommunications, Dak Bhavan,
NEW DELHI.

.. Respondents.

(By Standing Counsel Shri G. Shanthappa)

ORDER

Mr. T.V. Ramanan, Member(A):-

Admit. We have heard counsel on both sides and perused the record produced before us by Shri G. Shanthappa, learned Additional Central Government Standing Counsel appearing for the respondents.

2. The short point for consideration is whether the order dated 23-11-1993 at Annexure-A1 issued by the Senior Superintendent of Post Offices, Bangalore permitting the applicant to



retire from service with effect from 1-12-1993 (Forenoon) is a valid order under Rule 48-A(2) of the Central Civil Services (Pension) Rules, 1972. The department has produced before us the notings on the department file dated 20-9-1993 after receipt of the request from the applicant for voluntary retirement. The notings show that the official working under the superior officer has certified that the applicant had completed more than 20 years of qualifying service, which is a pre-requisite for seeking retirement by a Government servant. Below that note the superior's order reads as below:-

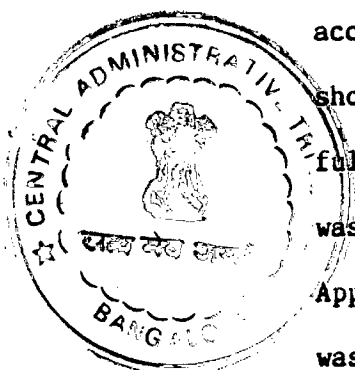
"The official is permitted to retire from service on voluntary retirement w.e.f. 1-12-1993 Forenoon as per his request dated 1-9-1993."

This stands signed by the superior officer on 21-9-1993. The learned Additional Central Government Standing Counsel appearing for the respondents says that the order reproduced above is by one Sri Poobalan who as on 21-9-1993 was the regularly appointed Senior Superintendent of Post Offices, Bangalore South Division, who was the appointing authority competent in the matter of acceptance of application for voluntary retirement made by the applicant. Soon after acceptance of the request of the applicant for voluntary retirement, a communication was issued by the Senior Superintendent of Post Offices named above conveying to the applicant the acceptance of the applicant's request for voluntary retirement with effect from 1-12-1993 F/N. However, the formal order was issued on 23-11-1993 (Annexure-A1) by R-2. Learned counsel for the respondents, no doubt, admits that the 2nd respondent, that is, Sri D.M. Venkatesh, Deputy Superintendent of Post Offices, Bangalore South Division was holding the current charge of the post of respondent-1 viz., the post of Senior Superintendent of Post Offices because the later had

proceeded on training but that does not vitiate the said order. The learned counsel for the applicant who was also asked to peruse the notings on the file of the department does not have anything to contradict the statements made by the learned Additional Central Government Standing Counsel for the respondents.

3. What is relevant is whether the ~~acceptance of the~~ request for voluntary retirement was accepted by the Appointing Authority who in this case happens to be the Senior Superintendent of Post Offices, Bangalore South Division. The notings on the file very clearly show that Sri Poobalan, the Appointing Authority, had accepted the request of the applicant for voluntary retirement on the file as long back as 21-9-1993. The formal orders, no doubt, were issued on 23-11-1993, though not by the Appointing Authority but by a subordinate officer, who was looking after the work of Shri Poobalan. What is relevant in terms of Rule 48-A(2) of the Rules referred to supra is that the acceptance of the notice of request for voluntary retirement should be by the Appointing Authority. That condition stands fulfilled in this case irrespective of whether the acceptance was communicated in the formal order at Annexure-A1 not by the Appointing Authority himself but by a subordinate officer who was holding the current charge of the post due to the Appointing Authority, Shri Poobalan proceeding on training.

4. In view of the foregoing, this application does not succeed and it is dismissed accordingly. No costs.



TRUE COPY

Section Officer

Central Administrative Tribunal
Bangalore Bench
Bangalore

MEMBER(A)

VICE-CHAIRMAN.