

Central Administrative Tribunal
HYDERABAD BENCH : AT HYDERABAD

O.A. No. 464/91.

Date of Decision : 2.8.1991

T.A. No. -

H.Ramanuja Char

Petitioner.

Shri G.V.L.Narasimha Rao

Advocate for the
petitioner (s)

Versus

Sr. Supdt. of Post Offices,
Hyderabad South East Division,
Hyderabad & 2 others

Respondent.

Shri N.Bhaskara Rao,
Addl. CGSC

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. J.Narasimha Murthy : Member(Judl)

THE HON'BLE MR. R.Balasubramanian : Member(Admn)

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 Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

HJNM
M(J)

HRBS
M(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.464/91.

Date of Judgment 2.8.1991.

H.Ramanuja Char

.. Applicant

Vs.

1. Sr. Supdt. of Post Offices,
Hyderabad South East Divn.,
Hyderabad.

2. Postmaster,
Hyderabad Jubilee H.O.,
Hyderabad.

3. The Public Relations
Inspector(Postal),
Hyderabad Jubilee H.O.,
Hyderabad.

.. Respondents

Counsel for the Applicant : Shri G.V.L.Narasimha Rao

Counsel for the Respondents : Shri N.Bhaskara Rao,
Addl. CGSC

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl)

Hon'ble Shri R.Balasubramanian : Member(Admn)

[Judgment as per Hon'ble Shri R.Balasubramanian,
Member(Admn)]

This application has been filed by Shri H.Ramanuja Char under section 19 of the Administrative Tribunals Act, 1985 against the Sr. Supdt. of Post Offices, Hyderabad South East Division, Hyderabad and 2 others, seeking a direction that he be permitted to retire voluntarily from 1.5.91 forenoon.

2. The applicant who had put in over 33 years of service applied for voluntary retirement vide his letter dated 18.1.91. He wanted voluntary retirement with effect from 1.5.91 giving

more than three months' notice. The Sr. Supdt. of Post Offices wrote on 31.1.91 to the Public Relations Inspector(Postal), Jubilee H.O., Hyderabad to get the pension forms filled up by the applicant and return them duly attested through the Postmaster, Jubilee H.O., Hyderabad on top priority basis. Further, through his memo dated 18.3.91 the Sr. Supdt. of Post Offices sanctioned the payment of Rs.2,884/- to the applicant towards accumulation of Savings Fund in C.G.C.I.G. Insurance Scheme, 1989. It was also stated therein that the applicant was due to retire voluntarily from 1.5.91. While so, when the applicant was under the genuine impression that he would be permitted to retire voluntarily from 1.5.91 all of a sudden by the impugned order No.B1/3/61 dated 8.4.91 the respondents regretted to inform him that he was not permitted to retire voluntarily from 1.5.91. The applicant represented against this and not getting any reply he has approached this Tribunal praying that the respondents be directed to permit him to retire voluntarily from 1.5.91.

3. The application is opposed by the respondents. The only reason they put forward for not accepting the request of the applicant is that when he was working as Sub-Postmaster, Amberpet S.O. from 9.6.87 to 16.4.88 forming part of a certain period during which a major Saving Bank fraud involving an amount of Rs.2½ lakhs took place. It is their intention to ascertain to what extent the applicant is responsible for this. For this purpose they want to carry out certain investigations which will take time and in the meantime they do not want him to retire to escape the consequences of his possible contribution due to his negligence.

4. We have examined the case and heard the learned counsel for the applicant and the respondents. The applicant has sought voluntary retirement under Rule 48 of the Central Civil Services (Pension) Rules, 1972 (hereinafter referred to as Pension Rules). Rule 48(1)(a) of the Pension Rules permits a Govt. servant who has completed 30 years of qualifying service to retire from service provided he gives a notice of at least three months to the authorities. The appointing authority can, however, withhold the permission to such a Govt. servant to retire if he was under suspension. The ~~main~~ thrust of the argument by the learned counsel for the applicant was that the three essential ingredients

- (a) 30 years of qualifying service,
- (b) three months' notice, and
- (c) his not being under suspension

having been met there should no obstacle for the respondents to permit him to retire. Against this, the respondents' case is that they want to ascertain the degree of involvement of the applicant in the Savings Bank fraud case they are investigating and before that they do not want him to retire. We find that the Government generally encourages employees seeking voluntary retirement. Rule 48-B of the Pension Rules even permits addition to qualifying service on voluntary retirement to enable such persons to get the full benefit of pension. This being the case, we have only to examine whether the retirement of the applicant would in any manner come in the way of the investigations proposed/in progress. It is to be borne in mind that there is no charge-sheet or suspension order

against the applicant. It was also mentioned in the course of the hearing that a few other persons who had been ^{working} in the same post office during the relevant period had been allowed to retire in the normal course. If this is the case, what is the difference, for the purpose of the respondents, between normal retirement and voluntary retirement. We do not find any difference for this purpose. Moreover, by merely retiring the applicant cannot escape action if the respondents ^{eventually} fix the ~~any~~ responsibility on him within a reasonable time. They are always at liberty to invoke Rule 9 of the Pension Rules and proceed against him, if necessary. Under these circumstances we find no reason for the respondents to deny voluntary retirement and we, therefore, direct the respondents to permit him to retire w.e.f. 1.5.91 forenoon as requested by him. Action is required within one month of receipt of this order.

5. The application is thus allowed with no order as to costs.

MS

(J.Narasimha Murthy)
Member(Judl).

R. Balasubramanian
(R.Balasubramanian)
Member(Admn).

Dated 2nd August 91

Registrar 7/8/91

To

1. The Sr.Superintendent of Post Offices, Hyderabad South East Division, Hyderabad.
2. The Postmaster, Hyderabad Jubilee H.O., Hyderabad.
3. The Public Relations Inspector (Postal) Hyderabad Jubilee H.O.Hyd
4. One copy to Mr.G.v.L.Narasimha Rao, Advocate, 2-5-566/B/1, Nallakunta, Hyderabad.
5. One copy to Mr.N.Bhaskar Rao, Addl.CGSC. CAT.Hyd.Bench.
6. One copy to Hon'ble Mr.J.Narasimha Murthy, Member(J)CAT.Hyd.
7. One spare copy.

pvm

with J. Narasimha Murthy
2/8/91