

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.543/93

Date of Order: 19.12.96

BETWEEN :

M.V.Subba Rao

.. Applicant.

AND

1. Union of India, rep. by the  
Chief General Manager Telecom.,  
A.P. Hyderabad-1.

2. The General Manager, Telecom.  
Vijayawada.

3. The Senior Supdt. Telegraph  
Traffic, Vijayawada.

4. The Supdt. Telegraph Traffic  
Central Telegraph Office,  
Vijayawada.

5. Sri Y.V.Naidu, Retired Supdt.  
Telegraph Traffic Incharge  
R/o Aragonda Post, Chittor Dt.

6. Sri P.S.Prakasa Rao, Retired Supervisor  
Telegraphs, R/o Kalpana Printers Road,  
Krishna Lanka, Vijayawada.

.. Respondents.

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Counsel for the Applicant

.. Mr.P.Rathaiah

Counsel for the Respondents

.. Mr.N.R.Devraj

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CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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JUDGEMENT

X Oral order as per Hon'ble Shri B.S. Jai Parameshwar M (J) (

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The applicant while working as Section Supervisor (Operation) CTO, Vijayawada submitted his representation for retirement from service voluntarily. Accordingly the Superintendent CTO, Vijayawada by his order dt. 28.9.90 (A-6) permitted the applicant to retire from service voluntarily effective from 30.9.90.

*J*

2. Thereafter on 30.11.92 and 30.3.93 submitted representations to the Chief General Manager for reconsidering the question of his retirement from service and to reinstate him into service. His representation was considered and by letter dt. 26.4.93 (P-1) he was informed that his request could not be exceeded to.

3. In this OA the applicant has challenged the said letter dt. 26.4.93 as illegal and void and further consequential directions to take him back to service.

4. In the application it is stated that due to medical grounds and financial circumstances he submitted an application for retirement voluntarily and that his application was obtained by force that the applicant had further 10 years of service to attain the superannuation that the impugned order is not a speaking order.

5. The respondents have filed the counter stating that the applicant had submitted an application dt. 31.3.90 for retiring from service voluntarily that subsequently he withdrew the same that again he submitted another application dt. 6.9.90 seeking voluntary retirement from service. In the said letter he had mentioned that he could not give a months' notice that Annexure R-1 is the letter dt. 6.9.90 submitted by the applicant that on 12.9.90 he submitted another representation to change the date of retirement from 5.10.90 to 30.9.90 that he would not represent for cancellation of voluntary service later. Annexure R-2 is the letter dt. 12.9.90 submitted by the applicant, It is stated that his application for voluntary retirement was forwarded to TDM Vijayawada that the applicant requested for cancellation of the letter dt. 31.3.90 that his intention for continuing in service was submitted to TDM, Vijayawada that the TDM accepted the said letter that the TDM, Vijayawada by its letter dt. 26.4.90 accepted the request of the applicant and that the respondents considered the representation of the applicant and rightly rejected his request.

6. Heard Mr.B.S.A.Satyanarayana, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

7. When once the applicant submitted his application for retirement on 6.9.90 it does not lie in his <sup>mind</sup> to say that he submitted his application either under financial <sup>constraints</sup> ~~circumstances~~ or under ~~psychological difficulty~~. Further after accepting the pensionary benefits it is for the first time he made his representation on 30.11.92. The applicant was permitted to retire w.e.f. 30.9.90. Two years thereafter the applicant ~~attempted~~ to resile from his own letter and requested the authorities to take him back to service. In case any person is responsible for his submission for retirement prematurely, it is for the applicant to proceed against him in a competent judicial forum. There are no grounds to consider the endorsement dt. 26.4.93 issued by the <sup>either</sup> respondents is arbitrary or illegal. There are no merits in this OA. Hence the OA is dismissed. No costs.

  
( B.S. JAI PARAMESHWAR )  
Member (Judl.)  
L.A.M.

  
( R.RANGARAJAN )  
Member (Admn.)

Dated : 19th December, 1996

(Dictated in Open Court )

sd

  
D.Y. Registrar (S)

51/7/93 1777 TWO P.M. 1993

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:  
M(J)

DATED: 19/12/93

ORDER/JUDGEMENT

C.C.P/M.R.No.

O.A. NO.

<sup>17</sup>  
543/93

ADMITTED AND INTERIM DIRECTIONS ISSUED

~~ALLEGED~~

DISPOSED OF WITH DIRECTIONS

~~DISMISSED~~

DISMISSED AS WITHDRAWN

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS.~~

II COURT

YLKR

~~copy~~  
sent over the appeal  
of Andhra case (A) - 21

केन्द्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal  
प्रेषण / DESPATCH

17 JAN 1994

HYDERABAD BENCH  
N.C.P.