

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: AT HYDERABAD

OA.866/96

dt. 24-7-96

Between

O. Jagannadha Sastry

: Applicant

and

1. Supdt. of Post Offices  
Govt. of India, Khammam  
Khammam Dist. AP

2. Post Master General  
Andhra Circle, Vijayawada Region  
Vijayawada, Krishna Dist.

3. Chief Post Master General  
Andhra Circle, Hyderabad AP

: Respondents

Counsel for the applicant

: T.N.M. Ranga Rao  
Advocate

Counsel for the respondents

: N.R. Devaraj  
SC for Central Govt.

CORAM

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

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(28)

## Judgement

Oral order (per Hon. Mr. R. Rangarajan, Member (Admn.))

Heard Sri I.V. Radhakrishna Murthy, for Sri T.N.M. Ranga Rao, for the applicant and Sri N.R. Devaraj for the respondents.

2. The applicant in this OA while working as Sub-post master was transferred from Peddireddygudem to Vararamachandrapuram on 29-4-96. The applicant states that he was left with only one year of service at the time of his transfer. Hence he submitted a representation for his retention at Peddireddygudem till his retirement. He did not receive any reply. Later this transfer order was changed transferring him to Kothagudem from Vararamachandrapuram vide memo No.B1-2/35 dated 28-6-95 and he joined there on 1-7-1995, probably on the basis of his representation. Kothagudem is relatively nearer to Peddireddygudem. After joining at Kothagudem he submitted his request for voluntary retirement by his letter dated nil at Annexure-6 on the ground of his family affairs and on his health grounds. This letter does not indicate that he was compelled to submit his voluntary retirement due to his transfer. His request for voluntary retirement was accepted by the impugned letter No.B-1-5/J-5 dated 30-8-1995 and he was retired as per his request on 20-9-1995. He sent a legal notice demanding payment of Rs.45000/- towards salary for the period from 20-9-95 to 30-6-1995, the due date of his retirement on superannuation and revision of payment of gratuity and family pension immediately within two months from the date of receipt of that notice (Annexure-7).

..2.

Respondent-3 herein forwarded that notice to Respondent-2 for disposal of that legal notice in accordance with law. It is stated that no reply has been received in this connection.

3. This OA is filed for setting aside the memo No. B.1-5/J-5, dated 30-8-95 issued by Respondent-1 holding it as arbitrary, illegal and void and for a consequential direction to the respondents to pay him a sum of Rs.45000/- for the period commencing from 20-9-1995 till 30-6-96 at the rate of Rs.3,700/- p.m.

4. The applicant was transferred from Vararamachandrapuram at the first instance. However it looks that this transfer was reconsidered on his request and he was retransferred to Kothagudem which is nearer to Peddireddigudem compared to Vararamachandrapuram. If the applicant is aggrieved by this transfer he has to file a representation to the respondent authorities for retaining him at Peddireddigudem and if no action has been taken, his remedy is to approach the appropriate forum for the redressal of his grievances. But he has not taken that course of action. As stated earlier his representation to authorities appear to have been considered and he was transferred to Kothagudem. If he still is having any grievance in his transfer to Kothagudem, then he should have approached the Tribunal if the respondents failed to consider his request. But the applicant did not do so. But he submitted his voluntary retirement request by Annexure-A.6. This letter clearly shows that he requests for voluntary retirement due to family affairs and health ground. The applicant was retired on 20-9-1995 as per his request.



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5. The applicant now submits that he was forced to retire as he was transferred out of Peddireddigudem and because of voluntary retirement he lost his service from 20-9-1995 to 30-6-1996, the due date of his retirement on superannuation. If the applicant felt aggrieved by the transfer order he has to challenge the same in the appropriate forum and submitting voluntary retirement is not an alternative remedy. Further there is no rule to give him relief, as prayed for in this OA to compensate for loss of service from the date he voluntarily retired i.e. 20-9-1995 till the date of normal superannuation date i.e. 30-6-1996.

6. By the impugned letter dated 30-8-1995 he was permitted to retire voluntarily on the basis of his application vide Annexure-6. As observed earlier he has requested voluntary retirement on health and other grounds and there is no mention that he is forced to go for voluntary retirement due to his transfer. There is also no mention in that letter that he was forced to take voluntary retirement because of the pressure from the authorities to carry out his transfer. Without any reasons to come to the conclusion that he was forced to retire from service he cannot claim any relief. Even if such relief is claimed he has to quote cogently why the order retiring him voluntarily is illegal and arbitrary and also the extant rule under which he can get the relief. Mere stating that he was forced to go on voluntary retirement due to pressure is not a valid reason for challenging the impugned letter. The averment in the OA is misconceived and is not supported by any valid rule. There is no reason to come to the conclusion that his voluntary retirement is accepted arbitrarily or with mala fide intention.

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7. In view of what is stated above, I find the OA does not merit consideration even for admission.

8. In the result the OA is dismissed at the admission stage itself. No costs.

*[Signature]*

(R. Rangarajan)  
Member (Admn.)

Dated : July 24, 96  
Dictated in Open Court

*[Signature]*  
Dy. Registrar 14/3/96

sk

O.A.866/96.

Copy to:-

1. Supdt of Post Offices, Govt. of India, Khammam, Khammam Dist.
2. Post Master General, Andhra Circle, Vijayawada Region, Vijayawada, Krishna District.
3. Chief Post Master General, Andhra Circle, Hyderabad A.P.
4. One copy to Sri. T.N.M.Ranga Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

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007-866/92

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THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

DATED: 24/7/41

ORDER/JUDGEMENT  
D.A. NO./R.A./C.P. NO.

G.A. NO. 866/46

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

No spare copy

