

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1142/99

Date of Order : 17.12.99

BETWEEN :

P.Venkata Ramana

..Applicant.

AND

The Principal Director of Audit,
S.C.Railway, Secunderabad.

..Respondent.

Counsel for the Applicant

..Mr.N.Prabhakar

Counsel for the Respondent

..Mr.B.N.Sharma

CORAM :

HON'BLE JUSTICE SHRI D.H.NASIR : VICE CHAIRMAN

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

ORDER

[As per Hon'ble Shri R.Rangarajan, Member(Admn.)]

Mr.N.Prabhakar, learned counsel for the applicant and Mr.M.C.Jacob for Mr.B.N.Sharma, learned standing counsel for the respondents.


2. The applicant while working as Assistant Audit Officer submitted a request for voluntary retirement by his letter dated 27.8.97 (A-7). In that letter he has clearly stated that he may be permitted to retire from service voluntarily w.e.f.16.9.97 by condoning the 3 months notice as per proviso to Rule 48(A)(1) of C.C.S.(Pension) Rules 1972. That was accepted by the respondent authorities by order dated 24.9.97 (A-2) condoning the 3 months notice period. The applicant was allowed to retire from service on voluntary basis w.f. 7.10.97.

3. Thereafter the applicant submitted a letter dated 29.4.97 addressed to the respondents requesting for reinstatement into service after treating the period from 7.10.97 till the date of retirement as leave due. In the meantime he approached this Tribunal on 1.8.99 by filing this OA.

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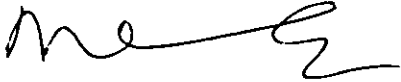
4. This OA is filed praying for a declaration that the applicant is entitled to withdraw the voluntary retirement notice and consequently direct the respondents for reinstatement of the applicant into service with all further benefits in view of the changed material circumstances and consequently also declare that the action of the respondents in not considering the request of the applicant is illegal, arbitrary and violative of principles of natural justice.

5. A reply has been filed in this OA. The applicant on his own volition submitted his voluntary retirement request. He also requested for condoning the 3 months notice period in his letter dated 29.4.97. The department had accepted his request to condone the 3 months notice period and permitted him to retire from service on 24.9.97. Accordingly he retired on 7.10.97. As the rules stand the respondents had accepted ^{his voluntary retirement request.} in accordance with the rules while permitting him to retire voluntarily. We do not find any irregularity in this connection. Further the applicant if he wanted to take back his voluntary retirement he could have said so before the acceptance of the voluntary retirement by the respondents. But he did not do so. He submits that due to the changed circumstances he submitted a letter dated 29.4.99 withdrawing his voluntary retirement request and requesting the respondents to reinstate him back into service. There is no rule quoted by the applicant to make such a request. Once he can request for withdrawal of the voluntary retirement within the period of acceptance of the voluntary retirement. Whereas in this case the applicant did not do so. His request for ^{condoning} ~~refusing~~ the notice period was also accepted. Hence his request for withdrawal for voluntary retirement dated 29.4.99 is belated and if the respondents did not accept the same the respondents cannot be held responsible for that refusal. The applicant having known that the age of retirement is going to be increased to 60 years must have changed his view and submitted the request letter dated 29.4.99 withdrawing his earlier request for voluntary retirement. Such an attitude on the part of the applicant cannot be accepted.



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6. In view of what is stated above we find no merit in this OA. Hence the OA is dismissed. No costs.



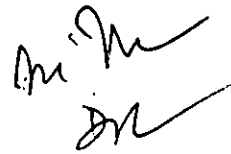
(R. RANGARAJAN)
Member (Admn.)



(D.H. NASIR)
Vice Chairman

Dated : 17th December, 1999
(Dictated in Open Court)

sd



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH.
HYDERABAD.

COPY TO.

1. HDHND
2. HRN M (ADMN)
3. HGSJP.M. (JUDL)
4. D.R. (ADMN)
5. SPARE
6. ADV DATE
7. STANDING COUNSEL

1ST AND 2ND COURT

TYPED BY
COMPOSED BY

CHECKED BY
APPROVED BY

THE HON'BLE MR. JUSTICE DH. NASIR
VICE-CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN)

THE HON'BLE MR. B. S. JAI PARAMESHWAR
MEMBER (JUDL)

DATE OF ORDER 12/12/99

MA/RA/CP.NO.

IN

CA.NO. 1142199

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

