

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 816 of 2005

Jabalpur, this the 15th day of September, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Mrs. Girija Batham, W/o. Devlal Batham,
Aged about 41 years, R/o. 608, Ramesh
Bhawan, Near Hameed Manzil, Opp. Plateform
No. 5, Railway Station, Bhopal, M.P. Applicant

(By Advocate – Shri Deepak Panjwani)

V e r s u s

1. Union of India, through Secretary,
Department of Post (P.A. Wing),
Dak Bhawan, New Delhi – 110001.
2. Director, Postal Accounts,
5th Floor, Post Office Tower,
CIT Nagar, Bhopal – 462003.
3. Chief Post Master General,
M.P. Circle, Bhopal, M.P. Respondents

O R D E R (Oral)

By M.P. Singh, Vice Chairman –

By filing this Original Application the applicant has claimed the following main relief :

- "i. by issuance of a writ in the nature of certiorari, this Hon'ble Court be pleased to quash impugned orders (Ann. A-1 and A-6),
ii. by issuance of a writ in the nature of mandamus, this Hon'ble Court be pleased to direct the respondents to reinstate the applicant in the interest of justice."
2. The brief facts of the case are that the applicant was working with the respondents' Postal Department as Senior Accountant and has sought voluntary retirement under Rule 48-A of CCS (Pension) Rules on 18th August, 2003 by giving three months advance notice. The respondents vide



their letter dated 16th June, 2004 have accepted the voluntary retirement of the applicant under Rule 48-A of CCS (Pension) Rules and permitted her to retire from service. Thereafter, the applicant submitted a representation to the respondents on 27th October, 2004 (Annexure A-8) stating that her financial position has become very bad and therefore she is in need of a job for the maintenance of the family. The respondents vide letter dated 29th November, 2004 (Annexure A-1) have rejected the request of the applicant stating that there is no rule under which a person who has taken voluntary retirement under Rule 48-A(4) could be taken back in service. Hence, this Original Application is filed.

3. Heard the learned counsel for the applicant.
4. The learned counsel for the applicant has submitted that the applicant immediately after retirement has given a representation to the respondents to take her back in service. He has drawn our attention to Rule 26-(4)(i) and stated that the applicant could be taken back in service under the provisions of this rule. After bare perusal of the this rule, we find that this rule provides discretion to the competent authority to permit a person to withdraw his/her resignation in public interest before the person has already taken the voluntary retirement. In this case the applicant has already taken the voluntary retirement in the year 2003 and after taking the benefit of all the retrial dues she cannot come up again with the plea that because of her economic condition she should be taken back in service. There is no such provision under the Rules. Therefore, the Original Application is without any merit and is liable to be dismissed.
5. Accordingly, the Original Application is dismissed at the admission stage itself.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman