

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 262 of 2000

Jabalpur, this the 4th day of December, 2003

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

Heman B. Singh, S/o. Shri
Banshdhai Singh, aged 43 years,
R/o. Bamhani, Post. Sarla Nagar,
Teh. Maihar, Distt. Satna.

... Applicant

(By Advocate - Shri S. Paul)

V e r s u s

1. Union of India, through its
Secretary, Department of Post,
Sanchar Bhawan, New Delhi.
2. Director General (POsts),
Parliamentary street,
New Delhi.
3. Chief Post Master General,
MP Circle, Hoshangabad Road,
Bhopal.
4. The Director, Postal Services,
O/o Post Master General,
Raipur Region, Raipur.
5. The Superintendent of Post Offices,
Rewa Division, Rewa.

(By Advocate - Shri P. Shankaran)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant has sought direction to set aside the order dated 3rd November, 1999 (Annexure A-1) and reinstate the applicant with all consequential benefits.

2. The facts of the case are that the applicant was working as SPM, Nandan in the Postal Department. While working as such he has submitted applications dated 26.11.1998, 11.12.1998 and 1st May, 1999 seeking voluntary retirement from service. However the applications were not

in the prescribed proforma. The respondent No. 5 directed ^{him} ~~him~~ to submit a notice on the prescribed proforma vide his letter dated 18th June, 1999. In response to the same the applicant submitted his notice ~~XXXXXXX~~ on voluntary 28.09.1999 seeking retirement from service with effect from 31.12.1999, under Rule 48 of CCS (Pension) Rules, 1972. The notice of the applicant was accepted by the competent authority on 03.11.1999, as intimated to him vide letter dated 3rd November, 1999 and accordingly the process to grant him pensionary benefits had started. It is stated by the applicant that on 29.11.1999 he has sent an application from Amarpatan Post Office to withdraw his notice for voluntary retirement. However the applicant was relieved from his duty on 31st December, 1999. According to the respondents the said application has not been received by them and the applicant has been retired with effect from 1st January, 2000. Aggrieved by this the applicant has filed this Original Application claiming the aforesaid relief.


3. Heard both the learned counsel for the parties and perused the records.

4. The learned counsel for the applicant has submitted that the request of the applicant for voluntary retirement was accepted on 03.11.1999, retiring him from service with effect from 31st December, 1999. In the meantime the applicant has reconsidered his decision for taking voluntary retirement and keeping in view his personal difficulties ^{had} and other factors he decided to withdraw the notice for voluntary retirement and sent an application for withdrawal

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to respondent No. 5 through proper channel. He has also taken up the matter to the higher authorities through the Union and also by prefer-~~ing~~ representation on 27.01.2000 (Annexure A-3) stating that the request made by him is well within time i.e. before the date of his actual proposed retirement. The same should have been considered by the respondents and he should have been allowed to continue in service. On the other hand the learned counsel for the respondents does not deny to have received the envelope² sent by the applicant on 29.11.1999 but states that the envelop did not contain the request made by the applicant for withdrawal of his notice for retirement but a copy of some medical report in respect of some other person was received in it. He has also submitted that the applicant is working as SPM, Nandan but he has sent his request to SPM, Amarpatan who was not concerned with the matter. He has also taken the plea that the applicant has not raised any objection at the time of handing over the charge to one Shri Upadhyaya on 31st December, 1999. According to him the request sent by the applicant dated 29.11.1999 has not been received by the respondents and hence they have not taken any decision on the request of the applicant for withdrawal of the notice for retirement.

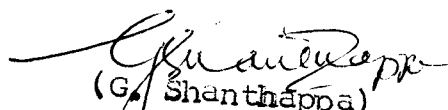
5. We have carefully considered the submissions made by both the parties and also the material available on record. We find that the applicant has handed over the charge to one Shri Upadhyaya on 31st December, 1999 and at that time also he has not raised any objection to his higher authorities or to the officer under whom he was working. He has raised the issue of his withdrawal of his




notice through the Union by submitting^{an} application on 27th January, 2000. On our query the learned counsel for the respondents has stated that the respondents have not confirmed from the Sub Post Master at Amarpatan as to whether he has received the copy of the notice dated 29th November, 1999 alleged to have been sent by the applicant or whether he has signed on the application as token of receipt.

6. In the circumstances we deem it appropriate to issue direction to the respondents to verify the fact, from the SPM, Amarpatan as to whether he has received a copy of the notice dated 29.11.1999 or whether he has signed on the same as a token of receipt. In case it is confirmed by the SPM, Amarpatan that he has received the copy of the notice of the applicant alleged to have been sent by the applicant on 29.11.1999, then they may consider the same in accordance with rule and law. Incase it is found that the application dated 29.11.1999 has not been received by the SPM, Amarpatan, then no further action is required to be taken in the matter and the matter may be treated as closed and Annexure A-3 will be disposed of accordingly within a period of 3 months from the date of receipt of copy of this order.

7. Accordingly the Original Application stands disposed of in terms of the aforesaid direction. No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

पूजास्थान में श्री/माता प्रवेशार्थक, श्री

च. (A)
च. (B)
च. (C)

श्री S. Paul Adv. JBP.
श्री P. Shankaran Adv. JBP.

Shankaran
18/12/03

Fareed
OK
11/12/03