

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00738/2019
Chandigarh, this the 22ND day of July, 2019

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CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

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Gursharan Singh aged about 51 years Sub Post Master, Purana Moga Faridkot Division s/o Sh. Avtar Singh r/o Village and Post Office Dhudike, Tehsil and District Moga – 142053 Punjab.

....Applicant

(Present: Mr. Gaurav Sethi, Advocate)

Versus

1. Union of India through its Secretary, Ministry of Communication and IT, Department of Posts, Government of India, New Delhi – 110011.
2. The Chief Post Master General, Punjab Circle, Sandesh Bhawan, Sector 17-E, Chandigarh – 160017.
3. The Superintendent Post Offices, Faridkot Division, Faridkot – 151203.

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Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. Applicant is aggrieved against order dated 11.03.2019 (Annexure A-5) whereby it has been informed that his notice dated 12.04.2018 for voluntary retirement has expired on 11.07.2018 and therefore, he is to give a fresh notice for the purpose.
2. Learned counsel submitted that the applicant, for the first time, served notice for voluntary retirement on 12.04.2018, under Rule 48 of CCS (Pension) Rules, 1972, which was not considered and he was informed vide letter dated 11.07.2018 that his 100% past work verification is awaited and thereafter his request would be considered. When applicant reminded the respondents about

non-consideration of his request for voluntary retirement, he was intimated that his notice dated 12.04.2018 has expired on 11.07.2018, therefore, he has to serve a fresh notice, which is arbitrary and illegal as the respondents are bound to take a view on his request within the time. However, applicant served a fresh notice dated 28.03.2019 seeking voluntary retirement w.e.f. 30.04.2019 under clause 1-A(a) of Rule 48 of CCS (Pension) Rules 1972, but the same has not been decided till date. He argued that the applicant has rendered about 32 years and service and he is eligible to get voluntary retirement after serving due notice, but the respondents are, arbitrarily and illegally, sitting over the matter. Learned counsel has prayed that the respondents be directed to consider and take a view on the notice of the applicant for voluntary retirement within a time frame.

3. Issue notice to the respondents.

4. At this stage, Mr. Sanjay Goyal, Sr. CGSC, appears and accepts notice.

5. As per the relevant rules, an employee, after completion of certain number of years, can move a request for voluntary retirement and the department is bound to consider and decide it in accordance with the rules and law on issue. A perusal of Annexure A-5 makes it clear that the respondents did not consider the notice served by the applicant within the period of three months and asked him to serve a fresh notice, and even thereafter, his request has been kept pending and no decision thereof has been communicated to the applicant, which is arbitrary and illegal.

In these circumstances, we deem it appropriate to dispose of the O.A., in limine, by directing the respondents to consider and decide the request of the applicant for voluntary retirement, by passing a reasoned and speaking order, within a period of one month from the date of receipt of a copy of this order. Ordered accordingly. No costs.

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 22.07.2019

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