

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH AT BANGALORE

ORIGINAL APPLICATION NO.170/01359/2018

DATED THIS THE 09TH DAY OF AUGUST, 2019

HON'BLE DR K. B SURESH....MEMBER (J)

Ashok Hajeri
S/o Vithal Singh,
Aged: 52 years,
Retired Commanding Officer,
R/o No. M-2-5, Adarsh Nagar,
Ashram Road,
Bijapur 586 103

...Applicant

(By Advocate Shri Ranganatha S. Jois)

Vs.

1. The Chief Post Master General
Karnataka Circle,
Dr. B.R. Ambedkar Veedhi,
Bangalore 560 001

2. Union of India,
Rep. by its Secretary,
M/o Communication,
New Delhi 110 001

3. The Additional Directorate General
Of Army Postal Service (APS-1A)
C/o 56 APO
PIN 908 700

...Respondents

(By Shri N. Amaresh, Counsel for Respondents No. 1 to 3)

ORDER (ORAL)HON'BLE DR K.B.SURESH, MEMBER (J)

This is a small matter in which an employee has sought voluntary retirement for his own reasons. The only objection in Annexure-A9, which we quote, seems to be that:

***"DEPARTMENT OF POSTS, INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL, KARNATAKA
CIRCLE
BANGALORE 560 001***

*To
The Additional Directorate General
APS (APS-1A)
Pin 908 700
C/O 56 APO*

No. STA/10-2/ASP/VR Dated at Bangalore-1, the October 30, 2012

*Sub: Voluntary Retirement of Sri Ashok M Hajeri
Officer Commanding 27 MTN Div, Postal Unit
Ref: Your letter No 3203/TC 31578-K/Pen dated 18.10.2012
and 90024/APS 1A dated 30.10.2012*

* * * * *

A kind reference is invited to above cited letters under reference, the Competent Authority has not accepted the notice of voluntary retirement dated 11.10.2012 received by fax at this office on 18.10.2012 served by Sri Ashok M Hajeri Officer Commanding 27 MTN Div, Postal Unit as the notice period of 90 days is not fulfilled.

It is requested to intimate the officer accordingly.

*Sd/-
(M. Ramalingam)
Assistant Postmaster General"*

2. It appears to be that the notice period of 90 days is not over. Now much more is over and there is no need to not to permit him to voluntarily retire as under the Specific Relief Act of India no person can be compelled to render personal service. Therefore, if significant reasons are not present, then no

authority can withdraw consent for him to voluntarily retire. Therefore, there will be a mandate issued to the respondents to immediately grant voluntary retirement to the applicant.

3. The OA is allowed. No order as to costs.

(DR K B SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the Applicant in OA No.170/01359/2018

Annexure A1 : Copy of the order of repatriation

Annexure A2 : Copy of the order of Central Administrative Tribunal, Kolkata Bench

Annexure A3 : Copy of the letter for voluntary retirement

Annexure A4 : Copy of the reply

Annexure A5 : Copy of the promotion order to the post of Major

Annexure A6 : Copy of the voluntary retirement by giving time upto 01.12.2012 being 3 months statutory notice

Annexure A7 : Copy of the representation

Annexure A8 : Copy of the forwarding letter for voluntary retirement

Annexure A9 : Copy of the rejection letter for having not completed 90 days

Annexures referred in reply

Annexure R1 : Copy of the letter dated 19.03.1985

Annexure R2 : Copy of the Army instruction No. 29/85

Annexure R3 : Copy of the letter dated 24.08.2006

Annexure R4 : Copy of the relinquishment of temporary commission, APS Officer

Annexure R5 : Copy of the letter dated 30.10.2012

Annexure R6 : Copy of the complaint against the applicant

Annexure R7 : Copy of the posting of APS officers dated 26.03.2012

Annexure R8 : Copy of the claim for move on temporary duty details of the applicant

Annexure R9 : Copy of the TA/DA bill produced by the applicant

Annexure R10 : Copy of the Hon'ble Supreme Court order in Civil Diary No. 19441/2018 dated 03.07.2018

Annexures referred in rejoinder

Annexure A10 : Copy of the promotion order dated 12.09.2012

Annexure A11 : Copy of the Exhibit No. 17 letter to CPMG, Karnataka dated 30.10.2012.

Annexure A12: Copy of the order of High Court in WPCT No. 27 of 2014

* * * * *