

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH 7

O.A.No.240/2002

New Delhi, this the 29th day of October, 2002

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

Shri Anil Kumar Singh,
S/o Sh. Bisarjan Singh,
R/o G-56/D, Raj Nagar Part-II,
Palam Colony,
New Delhi-110045. ...Applicant.
(By Advocate: Shri Ranvir Yadav)

Versus

1. Union of India through
Secretary,
Ministry of Defence,
South Block, New Delhi-1.
2. Chairman, Station Canteen
GOC, Headquarter, Delhi Area,
Delhi Cantt.10.
3. Vice-Chairman, Station Canteen
Deputy Dy.-GOC, Headquarter, Delhi Area,
Delhi Cantt.10.
4. Executive Director,
Col.AQMG Headquarter, Delhi Area,
Delhi Cantt.10.
5. Major N.K.Sharma (DAQMG),
Canteen Officer Headquarter, Delhi Area,
Station Canteen 25, The Mall
Delhi Cantt.10. ...Respondents.
(By Advocate: Shri M.K.Bhardwaj proxy counsel of
Shri A.K.Bhardwaj

O R D E R(ORAL)

Applicant has sought the following reliefs:-

i) to pass an order for quashing the letter
No.3712/CAN/AKS dated 7.12.2001 i.e., Annexure P-5
issued by the Respondent No.5.

ii) to pass an order for quashing the letter
No.3712/CAN/AKS dated 23.8.2001 i.e., Annexure P-3
issued by the Respondent No.5.

iii) to direct the Respondent authorities to
allow the applicant to work on the post of Incharge
Store Station Canteen, 25 the Mall, Delhi Cantt.10
with continuity of his service alongwith back wages
and other consequential benefits.

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2. Applicant had submitted his resignation on 16.8.2001. Later on, on 23.8.2001, he sent a letter to respondents requesting withdrawal of his resignation from service. Respondent No.5 failed to appreciate that the withdrawal of the resignation was done on 23.8.2001 i.e., before the acceptance of the resignation was communicated. Respondents issued a letter dated 23.8.2001 which was handed over to the applicant on 25.8.2001. Though it is also admitted that the applicant was relieved of his duty w.e.f. 27.8.2001 and submitted his clearance certificate duly completed to Manager CSD on 26.8.2001 none of the other formalities have been carried out by the applicant till date. Applicant also pleaded that his resignation was accepted on 23.8.2001 and withdrawal letter was received by respondents before its acceptance.

3. Further, learned counsel for the applicant, also referred the Supreme Court's judgement reported at 1995(2) Scale 108 Ravinder Singh Vs. State of M.P. & Others wherein the Hon'ble Court observed "withdrawal of the same before the acceptance was communicated though the resignation was accepted on the same day. Court, in the facts and circumstances of the case, held that the acceptance is liable to be quashed. In this case, acceptance of the resignation was done only on 25.8.2001 that 17 hours before. Applicant had already submitted withdrawal letter against the letter dated 23.8.2001. The acceptance of the resignation could be complete only if it was

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communicated to the applicant. Since the same was withdrawn on 23.8.2001 till 17 hours, applicant has right to withdraw the resignation, if the employee has not been relieved from service. I find that the impugned order acceptance of resignation is liable to be quashed. Accordingly, the OA is allowed and the impugned orders are quashed and set aside. The respondents are also directed to allow the applicant to work on the concerned post. No costs.



(Kuddip Singh)
MEMBER(JUDL)

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