

(64)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

D.A.No.1366/95

New Delhi : Dated this the 15<sup>th</sup> day of December, 1995.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MR. KULDIP SINGH MEMBER (J)

Dr. (Mrs.) Neelam Kaul,  
W/o Shri Arun Kaul,  
R/o 125-B/1, Mayur Vihar, Phase-I,  
Delhi-110091

working as

Specialist Gr.II of the non-teaching  
sub-cadre of the Central Health Scheme  
and was posted to the School Health Scheme,

Govt. of NCT of Delhi,  
Karkardooma,  
Delhi.

..... Applicant.

(By Advocate: Shri S. S. Tewari )

Versus

1. Union of India,  
through Secretary (Health),  
Ministry of Health and Family Welfare,  
Nirman Bhawan,  
New Delhi.
2. Under Secretary,  
Ministry of Health & Family Welfare,  
Nirman Bhawan,  
New Delhi.
3. The Director of Health Services,  
Delhi Administration, (Now Govt. of NCT of Delhi),  
Saraswati Bhawan, E-Block,  
Connaught Place,  
New Delhi.
4. Chief Medical Officer, Incharge  
School Health Scheme,  
Govt. of NCT of Delhi,  
Karkardooma Health Centre Building,  
Delhi-0092.
5. Dr. P. Ratnaswamy,  
Commissioner for Departmental Enquiries,  
Central Vigilance Commission,  
Block 10, Jamnagar House,  
Akbar Road,  
New Delhi

..... Respondents.

(By Advocate: Shri VSR Krishna for UOI  
Shri Anil Singhal proxy counsel  
for Shri Anoop Bagai )

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicant impugns respondents' order dated 4.7.95 (Annexure-A) and seeks a declaration that she ceased to be a Govt. employee w.e.f. 26.4.95 with consequential benefits.

2. Heard both sides.

3. Merely because applicant submitted a letter dated 26.4.95 (Annexure-E) tendering her resignation with immediate effect does not mean that she ceased to be a Govt. employee with effect from that date. That resignation letter had to be accepted by the competent authority, and if, in view of the fact that she was facing departmental proceedings for a major penalty vide OM dated 13.1.95 (Annexure-R1) respondents have not accepted her resignation, it cannot be said that they have acted illegally or arbitrarily, so as to warrant judicial interference.

4. Shri S. S. Tewari has relied upon the Hon'ble Supreme Court's ruling in AIR 1987 SC 1293 *Sitaram Vs. Ramjibhai*. That case is clearly distinguishable on facts from the present one and hence it does not avail the applicant.

5. The OA is dismissed. No costs.

Kuldeep  
(KULDEEP SINGH )  
MEMBER (J)

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( S. R. ADIGE )  
VICE CHAIRMAN (A).

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