

(S)

Central Administrative Tribunal, Principal Bench

Original Application No. 142 of 2000

New Delhi, this the 12th day of July, 2000

Hon'ble Mr. Justice Ashok Agarwal Chairman
Hon'ble Mr. V.K. Majotra, Member (Admnv)

Devki Prasad
(By Advocate Shri K.N. Pandey)

- Applicant

Versus

1. The Directorate of Education, Govt of National Capital Territory of Delhi Through The Dy. Director of Education, Directorate of Education, District, Central Bela Road, Dariyaganj, N. Delhi.
2. The Principal, Govt. Boys Composite Model School, Paharganj, New Delhi-110055 - Respondents
(By Advocate Shri Vijay Pandita)

O R D E R (Oral)

By Justice Ashok Agarwal, Chairman.-

The applicant was appointed as TGT (Social Science) in the Department of Education, Govt. of NCTD and was posted to Govt. Boys Middle School Railway Colony, Paharganj, New Delhi with effect from 28th October, 1991. On completion of one year's service on 10th October, 1992 he was transferred to Govt. Boys Sr. Secondary School, Paharganj and continued to serve there. On 12th August, 1994 he submitted his resignation. A copy of the resignation is to be found as Annexure-A-1. By aforesaid notice of 12th August, 1994 applicant has resigned with immediate effect from 17th August, 1994. After a period of over 4 years the applicant by his letter of 9th November, 1998 has sought to withdraw the resignation. In response to aforesaid application seeking to withdraw the resignation, the applicant has been informed by a communication of 27th August, 1999 that his resignation has been accepted with effect from 17th August, 1994 and his claim for withdrawing the resignation cannot be

J. A.

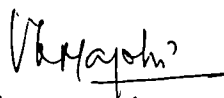
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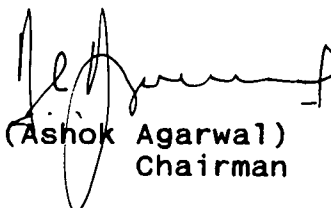
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acceded to. The applicant has in the circumstances instituted the present O.A. impugning aforesaid decision of Deputy Director of Education refusing to accept the withdrawal of the resignation.

2. We have heard the learned counsel appearing for the contending parties.

3. The letter of resignation of 12th August, 1994 seeks resignation with immediate effect from 17th August, 1994. Even if no formal letter of acceptance of resignation was issued to him his resignation would become effective from the date mentioned in his letter of resignation i.e. with effect from 17th August, 1994. In the case of Union of India Vs. Gopal Chandra Mishra, (1987) 2 SCC 301 it has inter alia been held that in the absence of anything to the contrary in the provisions governing the terms and conditions of the office/ post, proposal to resign can be withdrawn at any time, before it becomes effective, i.e. before it effects the termination of the tenure of the office/post/employment. As far as the case of the present applicant is concerned, his resignation has become effective from 17th August, 1994. The same cannot, in the circumstances, be withdrawn by the belated letter of withdrawal of 9th November, 1998 as submitted by the applicant. Present O.A., in the circumstances, is devoid of merits. The same is accordingly dismissed without any order as to costs.


(V.K. Majotra)
Member (Admnv)


(Ashok Agarwal)
Chairman

rkv.