

(a)

Central Administrative Tribunal, Principal Bench
New Delhi

O.A. No.2204/2000

New Delhi this the 21st day of August, 2001

Hon'ble Mr. M. P. Singh, Member (A)
Hon'ble Mr. Shanker Raju, Member (J)

Ms. Vijay Laxmi, Stenographer,
Lok Sabha Secretariat (Finance Committee)
Parliament Annexe,
New Delhi - 1100 01.

(By Advocate : Shri M.K. Gupta)

- Applicant

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary,
5, Sham Nath Marg, Delhi.
2. The Commissioner of Sales Tax,
Govt. of NCTD of Delhi
Bikrikar Bhawan,
I.T.O., New Delhi -1100 02.
3. The Secretary,
Lok Sabha Secretariat,
New Delhi - 11000 01.

(By Advocate: Shri Vijay Pandita)

- Respondents

O R D E R (ORAL)

Hon'ble Shri Shanker Raju, Member (J):-

Heard both the parties.

2. At the outset, the learned counsel for the applicant does not press the reliefs as sought in para 8(iii), 8(iv), 8(v) and 8(vi). The applicant restricts her relief only to direct the respondent No.2 to send applicant's LPC & service documents to respondent No.3.

3. Briefly stated, the applicant was working under Respondent No.2 as Stenographer in the grade of Rs.4000-6000/-

and without intimating Respondent No.2 she took up appointment in Lok Sabha Secretariat as Stenographer in the grade of Rs.5000-150-8000/- which according to the respondents is not legal and as a consequence all the service benefits were forfeited as per the provisions contained under Rule 26 of CCS (Pension) Rules, 1972. The learned counsel of the applicant states that by a letter dated 2.3.2000, the applicant requested for relieving her from the Sales Tax Department on the ground that her appointment to the post of Stenographer in Lok Sabha Secretariat has been recommended. It is also stated that the applicant has been directed by a Memo dated 11.4.2000 by the respondents to give her resignation from the present post and in compliance to the aforesaid Memo, the applicant by letter dated 13.4.2000 tendered her technical resignation from the post of Stenographer Gr. III in order to enable herself to join the office of Respondent No.3. Again by a Memo dated 19.4.2000 respondents have reiterated their direction to furnish resignation and ultimately by an order dated 24.4.2000 the respondents accepted the technical resignation of the applicant. As the technical resignation of the applicant has been accepted by the respondents, they are estopped from denying the benefits of the same. Notwithstanding, the resignation which was technical the past service of the applicant squarely comes under Rule 26 of Rules (ibid). Apart from this, Respondent No.2 would not incur any financial loss etc. by forwarding the LPC and service documents to Respondent No.3.

4. We also find that vide letter dated 25.7.2001 of the Respondent No.2, the applicant has been accorded service benefits, as per details of payments contained thereunder,

(3)

which satisfy the claim of the applicant regarding payments of the service benefits.

5. Having regard to the reasons stated in the foregoing paragraphs and in the facts and circumstances of the present case, interest of justice will be met by directing Respondent No.2 to send LPC and service documents to Respondent No.3 within a period of four weeks from the date of receipt of a copy of this order. Learned counsel for the respondents has drawn our attention that out of the payments accorded to the applicant, some of them are to be refunded to the respondents which the applicant shall comply within a period of four weeks. With these observations, the OA is disposed of. No costs.

S. Raju
(Shanker Raju)
Member(J)

M.P. Singh
(M.P. Singh)
Member(A)

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