

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA NO.609/1988

MP NO.2440/90

DATE OF DECISION:30.4.1991.

SHRI ROHITASHWA KUMAR

...APPLICANT

VERSUS

THE STATE OF RAJASTHAN & ORS.

...RESPONDENTS.

CORAM:

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

THE HON'BLE MR. J.P. SHARMA, MEMBER (J)

FOR THE APPLICANT

SHRI P.L. MIMROTH, COUNSEL

FOR THE RESPONDENTS

SHRI ARUNESHWAR GUPTA, COUNSEL
FOR RESPONDENT NO.1

SHRI V.S.R. KRISHNA, COUNSEL FOR
RESPONDENT NO.2.

Judgement (Oral)

(Delivered by Hon'ble Mr. I.K. Rasgotra, Member (A))

The learned counsel for respondent No.1 filed a copy of the resignation letter submitted by the applicant to the President of India through proper channel dated 27.3.1991 and a copy of the letter of Department of Personnel and Administrative Reforms, Personnel (A.I), Government of Rajasthan to the Ministry of Home Affairs, New Delhi. Both the letters are reproduced below:-

"Dated:- 27 March, 1991

To

Hon'ble The President of India
Rastrapati Bhawan,
NEW DELHI.

Through:- Proper Channel

Subject:- Resignation from service.

Sir,

With due respect I most humbly submit my unconditional resignation from Indian Police Service with immediate effect.

It is, therefore, requested that my resignation from service may kindly be accepted immediately. Period of notice may kindly be waved off.

With regards

Yours faithfully,

sd/-

ROHITASHWA KUMAR
I.P.S.
N-25, Gandhi Nagar
Jaipur."

"By Special Messenger

Department of Personnel & Administrative Reforms

Personal (A.I)

The Secretary to the
Government of India,
Ministry of Home Affairs,

NEW DELHI.

F.2(5)/Pers/A.I/72

11th April, 1991.

Resignation from Service-Shri Rohitashwa Kumar,
IPS(RR/71).

...

Sir,

I am directed to send herewith in original the resignation submitted by Shri Rohitashwa Kumar, IPS(RR/71).

The State Government recommends the acceptance of the unconditional resignation submitted by Shri Rohitashwa Kumar, IPS. It is, however, pointed out that complete information about the criminal cases pending against Shri Rohitashwa Kumar, IPS in various Courts, has already been communicated vide this office D.O. letter of even number dated 2.1.1991.

Yours faithfully,

Sd/-

(RAVI MATHUR)
Special Secretary to Government.

Encl:1".

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The learned counsel referring to the above developments submitted that in view of the unconditional resignation from Indian Police Service with immediate effect duly waiving the period of notice and the recommendation of the State Government for acceptance of the unconditional resignation of the applicant, the application has become infructuous.

The learned counsel for the respondents also supplied a copy of the letters of the applicant and the Government of Rajasthan's letter, as reproduced above, to the learned counsel for the applicant. The learned counsel for the respondents submitted that since nothing in the OA survives after the applicant has submitted his unconditional resignation, the application may be dismissed.

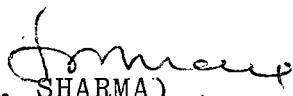
The learned counsel for the applicant, Shri P.L. Mimroth prayed that he may be given one week's time to seek instruction from his client. He further submitted that the applicant had also prayed for promotion in the OA and, therefore, it may not be correct to say that nothing survives after the unconditional resignation from the Indian Police Service has been submitted by the applicant. On a reference to the original application we find that the applicant had prayed for the following reliefs:-


- "1. That the order dated 7.4.1988 by the Spl. Secretary to the Government of Rajasthan, Department of Personnel and Administrative Reforms, Jaipur, (Annx.A/1) may kindly be quashed and set aside.
2. That the respondents may be directed to consider the applicant's candidature for the purpose of promotion on the post of Deputy Inspector General of Police.
3. Any other appropriate relief, which your Lordships may deem just and proper in the circumstances of the case, may kindly be granted."

We have grave doubts that if any of these reliefs would survive after the unconditional resignation of the applicant.

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We have considered the contentions of the learned counsel of both the parties and are of the view that in view of the latest developments brought to our notice by the learned counsel for respondent No.1, there are no issues left which require adjudication. We, therefore, consider it appropriate that the matter should be closed at this stage itself. Accordingly, we dispose of the OA, as also the MP-2440/90. The applicant, however, shall be at liberty to file a fresh O.A. in case he finds any fresh and additional grounds for adjudication. Parties to bear their own costs.


(J.P. SHARMA)
MEMBER (J) 30/4/91


(I.K. RASGOTRA)
MEMBER (A) 30/4/91