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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No.879/1988

Date of decision: 17.9.1993

Inder Pal Singh.. Applicant.

Versus

Union of India & others..... Respondents.

Counsel:

The Hon'ble Mr B.N.Dhoundiyal, Member(A)

The Hon'ble Mr. B.S. Hegde, Member(J)

For the applicant

None.

For the respondents

JUDGMENT (Oral)

(By Hon'ble Mr B.N.Dhoundiyal, Member(A))

This application has been filed by Shri Inder Pal Singh, challenging the refusal of permission to withdraw his resignation from service.

2. According to the applicant, he submitted his resignation from the post of S.A.S. on 7.1.1987 and on being assured by his local supervisor that his resignation would not be forwarded, he did not take any formal action to withdraw his resignation. On 11.3.1987, the D.D.G.M.F. passed an order on the application for resignation dated 7.1.1987 and the application for withdrawal of resignation dated 7.2.1987 simultaneously, rejecting the application for withdrawal, accepting his resignation and ordering him to be released with effect from 20.3.1987. His main contention

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is that since he had already submitted a letter of withdrawl of resignation, he should have been allowed to continue in service. He has prayed for quashing the impugned order dated 11.3.1987 and his re-instatement with all consequential benefits.

3. The respondents have contended in their counter that a material fact has been concealed by the applicant, that is, his resignation had already been accepted on 23.1.1987 and the intimation was communicated to the applicant vide Army Headquater letter No.B/91651/Q/MF-1 dated 23rd January, 1987. In rejoinder, this categorical statement has not been denied.

4. It is clear that the respondents had accepted the resignation on 23rd January, 1987, that is, much before a formal application for withdrawl of resignation was submitted by the applicant on 7.2.1987.

5. In view of this, we find no merit in this application and it is hereby dismissed, with no order as to costs.

Hegde
(B.S.Hegde)
Member(J)

D.N.Dhoudiyal
(B.N.Dhoudiyal)
Member(A)

/sds/