



## Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.198/2021

Monday, this the 1<sup>st</sup> day of February, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**  
**Hon'ble Ms. Aradhana Johri, Member (A)**

Rajbala Saini  
w/o Shri Brijesh Kumar Saini  
r/o WZ 105 A, Hari Singh Park  
New Multan Nagar, Delhi – 110 056

..Applicant

(Mr. Ajay Vikram Singh, Advocate)

Versus

1. Directorate of Education  
Through its Principal Secretary  
National Capital Territory of Delhi  
Old Secretariat, Delhi – 110 054
2. Through its Principal  
Sarvodaya Vidhyalay Co. Ed. Sr. Sec. School  
New Multan Nagar, Delhi – 110 056

..Respondents

(Ms. Esha Mazumdar, Advocate)

### ORDER (ORAL)

**Mr. Justice L. Narasimha Reddy:**

The applicant is working as Trained Graduate Teacher (Mathematics) in the Directorate of Education of Govt. of NCT of Delhi. She submitted a letter on 11.04.2019, stating that she does not intend to continue in the service and that she has submitted a resignation. In the next line, she stated that she proposes to seek voluntary retirement. It appears that the respondents insisted on



‘NOC’. The applicant submitted a letter dated 14.04.2019, stating that her request is only for resignation. Even while the matter was pending, the applicant filed her nomination for Sonapat Lok Sabha, in April, 2019. The elections were held and she was not elected. Thereafter, the applicant is said to have submitted a letter dated 24.05.2019 seeking to withdraw the resignation.

2. The Department issued a show cause notice (SCN) dated 06.12.2019, requiring the applicant to explain as to why necessary action be not initiated against her for contesting the elections even while being in service. This O.A. is filed challenging the SCN dated 06.12.2019.

3. The applicant contends that the filing of nomination by her was under the impression that the resignation was already accepted, and once she has withdrawn her resignation, she is entitled to remain in service. A prayer is also made to direct the respondents to allow her to withdraw the resignation and to reinstate her into service.

4. We heard Mr. Ajay Vikram Singh, learned counsel for applicant and Ms. Esha Mazumdar, learned counsel for respondents, at the stage of admission.

5. There are several curious aspects in this O.A. The applicant intended to contest in the Lok Sabha elections 2019 and obviously



for that reason, she submitted a resignation. However, it was diplomatically worded, and it reads:

“I, Rajbala Saini, working as TGT (Math) in S. V. Co. Ed. S.S. Vidyalaya, New Multan Nagar, Delhi – 110056 do hereby state that due to personal reasons, I cannot continue with my job and hence submit my resignation from the said post with immediate post.

Kindly relieve me from the duties assigned to me and process the application for voluntary retirement.”

6. On the one hand, it is stated that the applicant intends to tender resignation and on the other, it was mentioned that she intends to seek voluntary retirement. Obviously, no action can be taken when there is so much ambiguity. Be that as it may, even before the resignation was accepted, the applicant submitted nomination for the Lok Sabha elections. It is a different matter that she was not successful in the elections.

7. On coming to know that the applicant contested in the Lok Sabha elections even while in service, the SCN was issued. Promptly enough, the applicant submitted her explanation to the SCN on 10.12.2019. It is just un-understandable as to how the applicant can challenge the SCN, that too, after submitting an explanation. Her grievance regarding reinstatement into service can be addressed, if only any representation was made by her seeking permission to join duty and the viewpoint of the respondents is made known to her.



8. We do not find any merit in this O.A. It is accordingly dismissed. We, however, direct the respondents to pass an order taking into account, the representation dated 18.11.2020 submitted by her, within three months from the date of receipt of a copy of this order. Her request for withdrawal of resignation shall also be addressed by the respondents, at the earliest.

There shall be no order as to costs.

**( Aradhana Johri )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**February 1, 2021**  
**/sunil/**