

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/1265/2014

HYDERABAD, this the 21st day of October, 2020



Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member

A. Adinarayana, aged 27 years,
S/o. A. Babu Rao, Ex-Sub.Bungalow-Peon,
R/o H.No.8-38-8, Chinna Walter,
Relli Veedhi, Visakhapatnam.

...Applicant

(By Advocate : Mr. G.S. Rao)

Vs.

UOI rep by its,

1. The General Manager, E.C. Railway,
Rail Nilayam, Bhubaneswar - 751023,
Orissa State.
2. The Chief Personnel Railway,
E.C.Railway, Railnilayam,
Bhubaneswar-751023,
Orissa State.
3. The Divisional Railway Manager (P),
East Coast Railway,
Visakhapatnam, A.P.

....Respondents

(By Advocate : Mrs. Vijaya Sagi, SC for Railways)

ORAL ORDER
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conferencing:



2. The O.A. is filed challenging the 3rd respondent's letter dated 14.7.2014, claiming that the said order is illegal.

3. The brief facts of the case are that the applicant was appointed as Bungalow Peon on 22.9.2006 and he has put in service of 2 years 9 months in the said post. Applicant is a Sportsman who wanted to keenly pursue sports related activities. Consequently, applicant used to seek leave from his officer which when denied, he submitted resignation to the post of Bungalow Peon. Applicant was given 14 days notice and thereafter his services were terminated and resultantly he has been out of employment since 2009. Being out of employment, applicant made a representation on 6.5.2013 to re-engage him. However, when there was no response from the respondents, O.A. No.428/2013 was filed, wherein it was directed to dispose of the representation of the applicant. The representation was rejected and hence, the instant O.A.

4. The contentions of the applicant are that he has been engaged as a Bungalow Peon. The Bungalow Peons are engaged as Substitutes as per the relevant rules of the respondent's organization. For rendering 120 days of continuous service in Bungalow Peon category, he has to be granted temporary status. Applicant states that though he has rendered more than 240 days of service, he has not been granted temporary status. Respondents have issued letter dated 2.12.2012 to recruit staff to the relevant cadre from the open market. Applicant claims that the



respondents can go in for recruitment from open market only when the surplus staff/ casual labour/ ex-casual labour are absorbed. The services of a Bungalow Peon can be terminated only when it is proved by the respondents that he has indulged in misconduct. The Railway Board's letter dated 17.9.2010 affirms that Bungalow Peons, who have been terminated, should be given preference for re-engagement. In a similar case pertaining to Sri V. Suresh, he was re-engaged by the respondents, consequent to the direction of this Tribunal in O.A. No.1519/2002.

5. The respondents in their reply statement confirm that the applicant was appointed on 22.9.2006 and has rendered 2 years 7 months service as Bungalow Peon. The applicant himself has tendered resignation on grounds of poor health and financial problems on 30.4.2009. As per para 1502 of IREM, 14 days notice is required in respect of resignation by any employee. Consequently, 14 days notice was given to the applicant on 15.6.2009. After lapse of 14 days, the applicant was discharged from service vide order dated 29.6.2009 w.e.f. 30.6.2009. The respondents claim that they have not terminated the services of the applicant but applicant himself has tendered resignation. Moreover, applicant did not withdraw the resignation during the notice period. The Rules cited by the applicant are not relevant to applicant's case.

6. Heard Sri G. Pavana Murthy, learned counsel for the applicant and Smt. Vijaya Sagi, learned counsel for the respondents and perused the pleadings on record.

7. It is not disputed that the applicant, after being appointed as Bungalow Peon in the respondent's organization and after rendering service for 2 years 7 months, has tendered resignation on 30.4.2009 as under:



“Due to poor health condition and family problems I am unable to continue to work as Sub. Bungalow Peon under you. Kindly accept my resignation from the above post and relieve me as per extant rules.”

The applicant did mention in his O.A. that he is a sportsman and in order to pursue sports activities, he sought leave and when it was denied, he tendered resignation. Nevertheless, in his resignation letter dated 30.4.2009 applicant mentioned that because of poor health he is resigning. Subsequently, applicant requested for re-engagement, which was not considered. The O.A. No.428/2013 filed by the applicant was disposed of by this Tribunal, directing the respondents to dispose of his representation, which was complied to by rejecting the request of the applicant. The general norm is that once an employee resigns from any organization, the employee-employer relationship gets terminated. It is well settled that once the employee- employer relationship is terminated there can be no claim preferred against the employer. The respondents were no way responsible for the resignation of the applicant. Applicant cited certain orders of the respondents to buttress his claim to be re-inducted into service, which are irrelevant for the reason that the orders cited are in respect of administrative action taken against employees by the respondents to keep them away from the respondents' organization. In the instant case, there is no administrative action taken against the applicant. It



was the applicant who distanced himself from the respondents organization by tendering resignation on his own volition. Therefore, the Rules cited by the applicant do not apply to his case. Applicant has also relied upon the order of this Tribunal in O.A. No.1519/2002, wherein the applicant therein was re-engaged based on the orders of this Tribunal. The facts and circumstances of the case are different because in the case referred to, applicant was appointed as Bungalow Peon and when his officer retired voluntarily, the services of the applicant in the cited OA were discontinued. In the said context, Tribunal has disposed of the O.A. but did not allow it, as claimed by the applicant. Therefore, since the applicant himself had resigned from service in 2009, now seeking the relief of directing the respondents to re-engage him, may not be a fair proposition nor the same is supported by Rules. Other averments made by the applicant were also gone through and found them to be of no assistance to the case of the applicant. We, conclude that the relief sought by the applicant is neither supported by rules nor law. Hence, there is no merit in the O.A. Warrants dismissal and therefore we dismiss it, with no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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