

Through Video Conferencing**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**
JABALPUR**Original Application No.200/558/2020**

Jabalpur, this Wednesday, the 04th day of November, 2020

HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER



Prem Vaswani, S/o Shri Deendayal Vaswani, aged about 28 years, Occupation – Junior Account Officer, BSNL, BRBRAITT, Jabalpur, R/o C-6, Triveni Green Residency, Polipathar, Narmada Road, Jabalpur (M.P.)

-Applicant

(By Advocate – Shri Brajesh Kumar Dubey)

V e r s u s

1. Bharat Sanchar Nigam Limited through the DGM (S.E.A.) Corporate Officer- Bharat Sanchar Bhawan, Harish Chandra Mathur Lane, Janpath, New Delhi – 110001.

2. M.P. Telecom Circle, through the Chief General Manager, M.P. Telecom Circle, Sanchar Bhawan, Hoshangabad Road, Bhopal (M.P.) – 462015.

3. Bharat Ratna Bhim Rao Ambedkar Institute of Telecom Training (BRBRAITT), through the General Manager, O/o Sr. General Manager, BRBRAITT, Bharat Sanchar Nigam Limited (BSNL), Ridge Road, Jabalpur (M.P.) - 482001

-Respondents

(By Advocate – Shri D.S. Baghel)

O R D E R

By Ramesh Singh Thakur, JM.

Heard.

2. This Original Application has been filed against the denial of acceptance of resignation and compelling the applicant to pay the Bond amount.

3. From the pleadings, the facts of the case are that the applicant was appointed as Junior Accounts Officer and he was posted as such vide order dated 08.10.2018 (Annexure A-3) in the office of respondent No.3. In the meantime, the applicant suffered from some decease and due to non-payment of salary, he was unable to obtain proper medical facilities. Therefore, the applicant decided to leave the service and submitted his resignation on 20.02.2020. However, respondents did not pay any heed to his application. The applicant again filed a resignation letter on 19.03.2020 (Annexure A-6) and requested to relieve from official duties. On 20.05.2020 (Annexure A-7), the respondent No.3 has issued a letter to the applicant to submit a fresh resignation letter with requirements sought therein. Accordingly, the applicant has again submitted his resignation letter on 22.05.2020 (Annexure A-8) assigning the reasons why he is unable to continue the work. However, the respondents, instead of accepting his resignation letter, have demanded to pay the bond amount of Rs.3,94,240/-.



The applicant submitted his reply on 03.06.2020 (Annexure A-10) against the demand and stated that he is not liable to pay any amount because he did not violate the bond condition. Thereafter, he preferred a representation on 03.07.2020 (Annexure A-11). The respondents sent a notice on 07.08.2020 (Annexure A-12) to the applicant with warning for disciplinary action against the applicant. Against the said notice, the applicant has preferred a representation on 12.08.2020 (Annexure A-13), which has not been decided by the respondents till date.



4. At this stage, learned counsel for the applicant submits that the applicant will be satisfied if the respondents are directed to consider and decide his representation (Annexure A-13) in a time-bound manner and till such time his representation is decided, no coercive action may be taken against the applicant.

5. We have considered the matter and we are of the view that the ends of justice will be met if the respondents are directed to decide the representation (Annexure A-13), especially when the same is pending with the respondent department, within a time-frame. Accordingly, we direct the competent authority of the respondent department to consider and decide

applicant's representation (Annexure A-13), if not already decided, within a period of four weeks from the date of receipt of a copy of this order after affording opportunity of hearing to the applicant. Needless to say that the respondents shall pass the speaking and reasoned order and all the averments made in the representation shall also be dealt with. In the meantime, the respondents shall not take any coercive action against the applicant.

6. With these observations, this Original Application is disposed of at the admission stage itself. No costs.

(Naini Jayaseelan)
Administrative Member

am/-

(Ramesh Singh Thakur)
Judicial Member

