

(6)

Central Administrative Tribunal
Principal Bench, New Delhi

Review Application No.120/95
IN
OA No.387 of 1990

New Delhi: May 16, 1995.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr K.Muthukumar, Member (A)

Jai Prakash Gupta
Trained Graduate Teacher
Govt. Boys Middle School
A-Block, Lawrence Road
R/o 15 Anand Nagar
Old Rohtak Road, Delhi.

...Applicant

(By Advocate: Shri V.P.Kohli)

Versus

1. Delhi Administration
through the Secretary
Education Department
Delhi.
2. Director of Education
Delhi Administration
Delhi
3. Deputy Director of Education
District North
Lucknow Road
Delhi.
4. The Principal
Govt. Boys Senior Secondary School
A-Block, Lawrence Road
Delhi.

...Respondents

None present on behalf)

O R D E R (Oral)

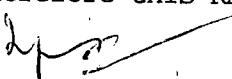
Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

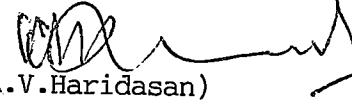
The applicant in the OA No. 387/90 has filed this review petition for review of final order passed on 9.6.94.

2. The issue involved in the OA was whether the applicant, a Trained Graduate Teacher, who had tendered an unconditional resignation from the service which had been accepted with immediate effect, could later claim continuity of service. It was held after

perusing the materials on record that the resignation of the applicant was unconditional and that the same having been accepted by the competent authority w.e.f. 20.10.84, the relationship between the master and the servant severed and therefore there was no question of the applicant again joining the service. It was also held that the reply to the applicant's representation to the Deputy Director of Education dated 30.3.1989 refusing him to join the service again was perfectly in order and could not be interfered with. In the review application, the applicant seeks to have the order reviewed on the grounds he has already taken in the OA. There is absolutely no new material which if had brought to the notice of the Bench at the time of hearing, would have made the decision different. We do not find any apparent error nor any other circumstances which would warrant review of the order. The applicant's counsel brought to our notice that after the resignation of the review petitioner on 5.1.85, the Deputy Director had written to the Principal suggesting that the applicant should be asked to give three months' notice or pay the amount for three months in lieu thereof. This, according to the learned counsel, amounted to cancellation of the acceptance of the resignation and this aspect was not taken note of by the Bench while disposing of the case. We are not in a position to agree with the arguments of the learned counsel that the noting of the Deputy Director of Education and the internal correspondence with him and the Principal had the effect of cancellation of the acceptance of the resignation. It is seen from the file that the applicant's resignation was accepted w.e.f. 20.10.84 and that he did not report for duty thereafter, probably knowing well that he was relieved on that date.

3. Under the circumstances, we do not find any apparent error or any circumstances which would warrant a review of the order and therefore this RA is dismissed with no orders as to costs.


(K. Muthukumar)
Member (A)


(A.V. Haridasan)
Vice Chairman (J)