

Central Administrative Tribunal
Principal Bench, New Delhi.

DA-387/90

New Delhi this the 9th Day of June, 1994.

Hon'ble Mr. Justice S.K.Dhaon, Vice-Chairman

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

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

(through Shri Rameshwar Sharma - None present)

versus

1. Delhi Administration,
through the Secretary,
Education Department,
Delhi Administration,
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, Laurance Road,
Delhi. ... Respondents

(By advocate Mrs. Avnish Ahlawat)

ORDER (ORAL)
delivered by Hon'ble Mr. Justice S.K.Dhaon, V.C.

The prayer in this application is that
direction may be issued to the respondents to
treat the applicant as continuing in service with
all consequential benefits, ^{and} pay the arrears with
interest at the rate of 18% thereon.

A counter affidavit has been filed on behalf of the respondents. The case has been taken up in the revised list. No one is present on behalf of the applicant. However, the learned counsel for the respondents is present and she has been heard.

Annexure R-1 to the counter affidavit is an application dated 17.7.1984 of the applicant, a TGT, addressed to the Deputy Director of Education, District North, Malka Ganj, Delhi. It will be profitable to extract the contents of the application, as relevant:-

"Due to unavoidable circumstances, I am not in a position to continue my services. I, therefore, hereby tender my resignation with immediate effect. Kindly accept."

Annexure R-2 is a copy of office order No.774 dated 20.10.1984 of the Deputy Director of Education (N). The contents of the order, as material, may be extracted:-

"Resignation tendered by Sh.J.P.Gupta, TGT (SC A) working in Govt. Boys Middle School, A-Block, Lawrance Road is hereby accepted with immediate effect."

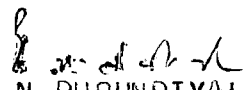
A copy of this order is endorsed amongst others to the teacher concerned (the applicant).

From the perusal of the letter of resignation and the order of acceptance, it is clear that the transaction was complete and the relationship of the employer and employee stood determined on the receipt of the order dated 20.10.1984 by the applicant. It appears that the applicant later on tried to riggle out of the resignation submitted by him and the acceptance thereof by the competent authority. He, it appears, made an application praying for the withdrawal of the resignation. He, therefore, it appears, addressed an application in that behalf. On 30.3.1989, the Deputy Director of Education informed him (the applicant) that his request for rejoining the service

has been carefully considered and rejected. This communication of the Deputy Director of Education is being impugned in the present application.

We have gone through the record of the case carefully and we find that wisdom dawned upon the applicant too late to withdraw his resignation and make a request for resuming his duties. He himself tendered resignation praying therein that it may be accepted with immediate effect. However, the competent authority took over three months to accept the same.

There is no force in this application. Accordingly, it is dismissed with no order as to costs.


(B.N. DHOUNDIYAL)
MEMBER (A)


(S.K. DHARON)
VICE CHAIRMAN

/vv/