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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 779/90

New Delhi, dated the 1st Aug., 1994

Hon'ble Shri S.R. Adige, Member(A)

Hon'ble Smt. Lakshmi Swaminathan, Member(B)

Shri N.K. Mathur,
resident of K-14, South Extension,
New Delhi

... applicant

(By advocate Sh. Gan Prakash)

V/s

1. Union of India through Secy.
Ministry of Communications,
Sancha Bhawan, Govt. of India,
New Delhi
2. Director General,
Dept. of Telecommunications,
Sancha Bhawan, New Delhi
3. Addl. Director General (C&G)
Dept. of Telecommunications,
Sancha Bhawan, New Delhi.
4. Supdt. Engineer (Coord.),
Dept. of Telecommunications,
Curzon Road Apartments (Barracks)
5. Director General,
All India Radio,
Akashwani Bhawan, New Delhi
6. Chief Engineer (Civil)
Civil Construction Wing,
All India Radio, PTI Bldg.
2nd Floor, New Delhi
7. Director General,
P&T Ministry of Communications,
Govt. of India, New Delhi.

... respondents

(None for the respondents)

JUDGMENT (ORAL)

(Hon'ble Sh. S.R. Adige, Member(A))

In this application, Shri N.K. Mathur,
Junior Engineer, Ministry of Communication, Department
of Telecommunications, Govt. of India, Sancha Bhawan,
New Delhi has prayed that the respondents be

directed to accept his resignation letter dated 11.4.1988 and further prayed for release of arrears of salary, leave salary, provident fund, DCRG and other monetary benefits admissible to him.

2. Shri Gyan Prakash, appeared for the applicant and was heard. None appeared for the respondents, although this case had been ~~settled~~ ^{settled} as far as 24.4.90 and was listed at Sl.No.7 ^{today} among the first 10 cases posted for peremptory final hearing. We, therefore, thought it fit to dispose it of after hearing Sh. Gyan Prakash and perusing the materials on records.

3. It appears that the applicant who was on deputation to All India Radio at the relevant time addressed letter dated 11.4.1988 to the Chief Engineer, Civil Construction Wing, A.I.R., New Delhi tendering his resignation due to unavoidable domestic circumstances (Ann.A.2) and this letter was forwarded by the All India Radio ^{to the} ~~to~~ ^{to the} applicant's parent department for necessary action on 12.4.88 (Ann.1). In the forwarding letter it was stated, that no vigilance case was pending or contemplated against the applicant while he was on deputation to All India Radio.

4. From the reply filed by the respondents it appears that no action was taken by them upon the applicants resignation letter because that letter was addressed to the A.I.R. authorities, where the applicant was posted on deputation, and not to his appointing authority. Furthermore the respondents averred that the applicant was repatriated to his parent department (Department of Telecommunication) w.e.f. 14.10.1988 but he did not report back to them. In any case a decision on the applicants prayer for resignation appears to be still pending.

5. Shri Gyan Prakash has argued that the applicant not being fully versed in all the administrative rules and regulations, thought it is sufficient to ^{submit} his letter of resignation to All India Radio authorities where he was working at the time of his resignation. All he now sought was acceptance of his resignation and release of the monetary dues admissible to him.

6. This application is disposed of with a direction to the respondents to consider the applicants prayer for resignation, and dispose of the same by a speaking order which they will communicate to the applicant, within three months from the date of receipt of a copy

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of this order. In the event, that the applicants resignation is accepted, the respondents will ~~will~~ specifying the date from which it will be effective and will forthwith release the monetary dues admissible to him as per extant Rules. The applicant will also be entitled to simple interest @ 12% per annum on the amount of G.P.F. and leave encashment released by the respondents to him, ⁱⁿ ~~to be~~ calculated from the date, the resignation became effective till the date of actual payment. No costs.

Lakshmi Srinivasan
(Smt. Lakshmi Swaminathan)

Member (J)

Adige
(S.R. Adige)

Member (A)