

**CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
Original Application No.384/2014.**

**Dated this the 3<sup>rd</sup> day of August, 2021.**

**CORAM:**

**Hon'ble Sh. Jayesh V. Bhairavia, Member (J)**

**Hon'ble Dr. A.K. Dubey, Member (A)**

1. Smt. Mambtaben Rajujibhai Thakore,  
Residing at Daradiaparu- Village Isanpur Mota,  
District: Gandhinagar- 382355.  
(Previously employed at Bhavnagarpara  
As Bunglow Peon, of ADRM, Western Railway  
Bhavnagarpara). 364003

...Applicant

(By Advocate: Ms. Vilas Purani)

Vs

1. Union of India,  
General Manager, Western Railway,  
Churchgate, Mumbai-400020.
2. Divisional Railway Manager,  
Western Railway,  
Division Office, Bhavnagarpara – 364003.
3. Shri Amit Gupta,  
Additional Divisional Manager,  
Office of Divisional Railway Manager,  
W.Rly, Bhavnagar – 364 003.  
(Amended as per Hon'ble Court order dated 01.12.2014.)
4. Shri Anjuben Amit Gupta,  
C/102 Pratistha Apartment,  
Opp. Nirma Vidhya Vihar,  
Bodak Dev, Ahmedabad. ...Respondents  
(Amended as per order dated 10.07.2015.)

(By Advocates: Mr. M J Patel- R1 & R2, Joy Mathew-R3&R4)

**ORAL(ORDER)**

**PER: Hon'ble Dr. A K Dubey, Member (A)**

1. The applicants have approached this Tribunal seeking following reliefs:-

*(A) Your Lordships be pleased to admit this Original Application.*

*(B) Your Lordships be pleased to quash and set aside the office order dated 20/03/2014 and letter dated 26/06/2014 bearing No. EDIM 2/381 DVP passed by the respondent No. 2 and further direct the respondent No.2 to take back the applicant on her original post of Bungalow Peon at Bhavnagarpara with full back wages for the period when she was not on duty till reinstatement date.*

*(C) Your Lordships be pleased to grant cost.*

*(D) Your Lordships be further pleased to grant such other reliefs as may be deemed fit, in the circumstances.*

2. The applicant was a substitute bungalow peon, w.e.f. 07/04/2011 on the prescribed pay scale. She states that she was subjected to physical and mental trouble by the wife of the ADRM which she tolerated for the sake of her family. She claimed that when she opposed harassment, she was forced to sign on a blank paper on which her resignation was forged, and the divisional office accepted the said resignation under the influence of the ADRM. Under the shock, the applicant gave an application dated 09/05/2014 (Annexure A/2) from her residence at Isanpur Mota to cancel her resignation.

2.1 Upon getting no response, she had an advocate's notice issued on 22/05/2014 (Annexure A/3) to cancel her resignation. The second respondent vide its letter dated 09/06/2014 (Annexure A/4) intimated that her resignation was accepted. This letter was signed for DRM and was with the approval of ADRM against whose wife, allegations were made. Applicant says that the respondents

probably realised the error in the letter dated 09/06/2014 and then wrote another letter dated 26/06/2014 (Annexure A/1, Colly) intimating inter alia, that her resignation was final. The applicant contends that this letter having been signed with the approval of ADRM against whose wife there were complaints, was against the principle of natural justice. Her say is that the respondents did not assign any reason for not accepting her representation. She also contends that the so-called resignation was in English, a language that she did not know and it was a forged one.

2.2 The applicant filed MA No. 293/2014 to join Smt. Anjuben Gupta, the wife of ADRM and Shri Amit Gupta, the ADRM as respondents, which was allowed on 01/12/2014.

3. Respondents filed their reply stating that the applicant worked as substitute fresh face bungalow peon from 07/04/2011 till her resignation which was duly sanctioned on 20/03/2014 and applicant's acknowledgement of acceptance of resignation was received. It also says that the letter dated 26/06/2014 was actually the reply to her representation dated 09/05/2014. Respondents have further submitted that their letter dated 09/06/2014 was an immediate reply whereas the letter dated 26/06/2014 was a reply after detailed examination of her service records.

3.1 Respondents have also stated that the applicant had resigned on an earlier occasion too, i.e., on 27/05/2013 which was written in Hindi. But it was withdrawn on 03/06/2013 (Annexure R/1). Respondents have denied that the applicant was discriminated against. It is stated that she resigned voluntarily vide her application dated 17/02/2014 which was duly processed and accepted.

4. Applicant has given her rejoinder reiterating the grounds of OA and contending that the resignation was fraudulently obtained from her. She had also preferred MA 120/2016 to serve notice on respondent No. 4 through respondent no.3.

4.1 Upon notice, respondents 3 & 4 too filed reply in OA. In the reply, it is informed that the applicant was engaged as fresh face, substitute bungalow peon while he was working as senior DME (Co) Ahmedabad. Upon his transfer to Bhavnagar as ADRM and the applicant was also transferred to Bhavnagar at her own request. He avers that if the applicant had any complaint against his wife, she would not have requested for her transfer to Bhavnagar when the third respondent was transferred. However, the third and fourth respondents have contended that the applicant's work was not satisfactory, but on a compassionate consideration, they allowed her to continue. Further, She had resigned on 27/05/2013 too and had disappeared after it, as she neither went to her parents nor her in-laws so hereafter her husband lodged a police complaint on 28/05/2013 (Annexure R/2). This disappearance of the applicant was also reported in three local newspapers (Annexure R/3). Further, there were statements of other servants too (Annexure R/4). However, the applicant returned and withdrew her resignation on 03/06/2013 (Annexure R/5). The third respondent contends that the applicant had tried to fabricate a case against them making false and frivolous allegation against him and his wife.

4.2 Applicant also filed rejoinder against the replies of respondent No. 3&4, refuting their reply and asserting her version.

5. This matter came up for final hearing today. The counsel for the applicant mainly argued that the resignation was a forged one since signature of the applicant was obtained on a blank paper and was filled up subsequently to present it as resignation letter and she was subjected to physical and mental harassment while working as bungalow peon. The counsel also argued that approval of resignation by ADRM was flawed since the allegation itself was against the ADRM's wife.
6. Counsel for the respondents No. 1 & 2 argued that the applicant had resigned on an earlier occasion too on 27/05/2013 (Annexure

R/1) but withdrew it on 03/06/2013 (Annexure R/5). That applicant was subjected to ill treatment is not borne out by the fact that she too got transferred at her own request when the third respondent was transferred and continued to work for them, the counsel for the respondents 1&2 submitted. The counsel for the respondents 1 and 2 also stated when the applicant had resigned on 27/05/2013, she did not go to her marital or paternal house whereafter her husband had lodged a police complaint about her missing which also came up in some newspapers. Later, of course she returned and requested to resume, the work that was allowed. The second time she resigned on 17/02/2014 which was processed in due course and the competent authority accepted the voluntary resignation vide office order dated 20/03/2014 (Annexure A/1 Colly). Later, on 09/05/2014, the applicant represented to cancel the impugned order dated 20/03/2014 which was replied to on 26/06/2014. She was a fresh face substitute bungalow peon and not a permanent employee and had voluntarily resigned and the resignation was duly approved. If the applicant felt that resignation was forged, it was open to her to pursue the matter in the appropriate Court of criminal justice.

7. Heard the counsel for parties and perused the records and documents brought before us. The resignation by the applicant was processed as per the procedure and there is no infirmity in it. There is no explanation to the fact that if the applicant was subjected to physical and mental harassment why should she get transferred when the third respondent was transferred. For the allegation of forgery of document i.e. the resignation letter, it is open to the applicant to pursue remedy under extant law which would prima facie be out of our jurisdiction. We have seen that respondents were considerate on the occasion of resignation, first time, but they duly processed it the next time, which was approved by the competent authority. We are also mindful of ratio by Hon'ble Supreme Court in CA no. 5685/2021 New Victoria Mills &Ors Vs. Shrikant Arya that if a resignation is accepted i.e., the jural relation between employer and the engagee

is terminated, the official resigning shall not have locus poenitentiae to withdraw it. Being a substitute bungalow peon which is not a permanent employment, does not confer upon the applicant any defensible right to seek annulment of a voluntary resignation. In our opinion, the applicant has not been able to make out a case for herself. The OA lacks merit and is therefore, dismissed.

**(A K Dubey)**  
**Member(A)**

**(Jayesh V Bhairavia)**  
**Member(J)**

Kk/skv