

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00522/2021

Tuesday, this the 12th day of October, 2021

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member

Hon'ble Mr.K.V.Eapen, Administrative Member

Sreejith S Nair, son of the late Sivasankaran Nair, aged 31 years,
Postal Assistant (tendered Technical resignation)
presently working as Assistant Engineer (Electrical),
Kerala State Electricity Board, Peerumedu Sub Station, Idukki,
residing at Sreenilayam House,
Plaikkavu Road, Muvattupuzha,
Ernakulam 686 661.

- Applicant

(By Advocate: Mrs.Rekha Vasudevan)

Versus

1. Union of India represented by the Secretary to Government of India,
Ministry of Communications, Department of Posts,
North Block, New Delhi-110001.
2. The Chief Postmaster General, Kerala Circle,
Thiruvananthapuram, Kerala – 695 001.
3. The Post Master General, Central Region, Gandhi Nagar,
Elamkulam, Kochi – 682020.
4. The Senior Superintendent of Post Offices, Aluva Postal Division,
Head Post Office, Kochi 682 011.

- Respondents

(By Advocate: Mr.N.Anilkumar, SCGSC)

The O.A having been heard on 12th October, 2021 through video conferencing, this Tribunal delivered the following order on the same day:

O R D E R (ORAL)

P.Madhavan, Judicial Member

This Original Application has been filed by the applicant seeking the following reliefs:

“a. Quash Annexure A7 order issued by the 4th respondent to the extent it denies acceptance of the resignation tendered by the applicant as technical resignation and Annexure A13 memo issued by the 4th respondent to the extent it restricts the leave salary to half of the Earned leave at credit of the applicant at the time of his tendering resignation.

b. Declare that the resignation tendered by the applicant is liable to be accepted as technical resignation in view of the stipulations in Annexure A10 Office Memorandum.

c. Direct the respondents to convert the acceptance of the resignation of the applicant from the post of Postal Assistant as technical resignation.

d. Direct the respondents to draw and disburse the retiral benefits of the applicant on his resignation from the post of Postal Assistant including the Gratuity and the remaining portion of the leave encashment of the Earned leave at credit of the applicant at the time of his tendering resignation, within a short time frame.

e. Alternatively, direct the respondents to consider and pass orders on Annexure A12 representation submitted by the applicant, with the opportunity of being heard, within a short time frame.

f. To grant such other reliefs as may be prayed for and the court may deem fit to grant, and

g. Grant the cost of this Original Application. ”

2. The brief facts of the case are as follows:

The applicant is aggrieved by the non-acceptance of the resignation tendered by him as technical resignation. The applicant had submitted Annexure A12 representation to 2nd respondent to treat the resignation tendered as Technical, for which no response has been received till date. Hence the applicant has approached this Tribunal praying for the above reliefs.

3. When the matter came up for hearing, it appears that Annexure A-12 representation to treat the Resignation letter of the applicant as Technical

Resignation is pending as it is not disposed of by the respondents till date.

4. Adv. Mr.Mr.N.Anilkumar,SCGSC takes notice on behalf of respondents.

5. *In view of the pendency of the representation, we hereby direct the respondents to consider Annexure A-12 representation submitted by the applicant in the light of relevant rules and regulations and pass a speaking order within a period of three months from the date of receipt of a copy of this order.*

6. Respondents shall also process the gratuity payment of the applicant in the light of relevant rules and regulations within a period of three months.

7. The Original Application is disposed of as above at the admission stage itself.

No costs.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

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List of Annexures

- Annexure A 1: True copy of the applicant details of the applicant as uploaded in the web portal of KPSC for the post of Assistant Engineer (Electrical) in KSEB
- Annexure A 2: True copy of the No Objection Certificate dated 06.03.2015 issued by the 4th respondent.
- Annexure A 3: True copy of the relevant pages of the Ranked list post of Assistant Engineer (Electrical) in KSEB as published by the KPSC on 30.12.2016.
- Annexure A 4: True copy of the Memo NO. E.B.1(a)/AE(Ele)/Appt-40%/2020/35 dated 22.09.2020 issued by the Deputy Chief Engineer (HRM-I) in charge of Chief Engineer (HRM) of KSEB to the applicant.
- Annexure A 5: True copy of the technical resignation dated 29.09.2020 submitted by the applicant to the 4th respondent.
- Annexure A 6: True copy of the formal resignation submitted by the applicant to the 4th respondent on 03.12.2020
- Annexure A 7: True copy of the order No. B-303 dated 14.12.2020 issued by the 4th respondent.
- Annexure A 8: True copy of the Letter dated 01.02.2021 submitted by the applicant to the 4th respondent along with the acknowledgment card.
- Annexure A 9: True copy of the representation dated 15.02.2021 submitted by the applicant to the 4th respondent along with the acknowledgment card.
- Annexure A 10: True copy of the O.M. No. 28020/1/2010-Estt.(C) dated 17.08.2016 issued by the Department of Personnel and Training.
- Annexure A 11: True copy of the O.M. No. 7/5/2012-P&PW(F)B dated 12.02.2020 issued by the Department of Pension and Pensioners' Welfare
- Annexure A 12: True copy of the representation dated 26.07.2021 submitted by the applicant to the 2nd respondent.
- Annexure A 13: True copy of the Memo No C/ Resignation dated 19.03.2021 issued by the 4th respondent.
- Annexure A 14: True copy of the letter No. CPT/CPGRAMS dated 31.05.2021 issued by the 4th respondent.

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