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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.557 of 1992

Date of decision: November 12, 1992.

Niranjan Swain Applicant

-Versus

Union of India and others Respondents

For the Applicant M/s Aswini Kumar Mishra,
S.K.Dash and S.B.Jena,
Advocates.

For the Respondents Mr. Deepak Mishra, Advocate
for the Opposite Parties

C O R A M:

THE HONOURABLE MR. K.P.ACHARYA, VICE CHAIRMAN
A N D
THE HONOURABLE MR. K.J.RAMAN, MEMBER (ADMN.)

1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters or not?
3. Whether Their Lordships wish to see the fair copy of the judgment? Yes.

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JUDGMENT

K.P.ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the Petitioner prays to direct the Opposite Parties to relieve the Petitioner by 12th November, 1992 after accepting the resignation tendered by the Petitioner on 13th October, 1992 and it is further prayed that to quash the order dated 30th October, 1992 contained in Annexure 8.

2. Shortly stated the case of the Petitioner is that he is an employee under the Employees State Insurance Corporation and while in service the Petitioner applied for the Post of Deputy Manager(Finance), Orissa Power Generation Corporation and he has been selected to such Post and has been asked to join on 13th November 1992. Resignation of the Petitioner not having been accepted, this application has been filed with the aforesaid prayer.

3. We thought it just and proper to issue notice for admission and hearing. In ordinary course, time would have been granted to the Opposite Parties for filing counter but in the present case it would not be beneficial to the interest of either parties.

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Mr. Deepak Misra learned Counsel has appeared for the Opposite Parties. Mr. Mishra prayed for some time to file counter. We refused to accept the prayer of Mr. Misra on the ground that the application may become infructuous on 13th November, 1992.

4. After hearing Mr. Aswini Kumar Misra learned Counsel appearing for the Petitioner and Mr. Deepak Misra learned counsel appearing for the Opposite Parties, we are of opinion that there was absolutely no justification on the part of the Petitioner to have directly made an application to the Orissa Power Generation Corporation without informing the authorities of the Employees State Insurance Corporation or by processing the application to be forwarded by the present authority.

5. Be that as it may a young man having lot of future prospects should be encouraged and not to be discouraged. In those circumstances we feel that his present employer should, ^{be} more benevolent to the Petitioner dispensing with the technicalities. Mr. Deepak Misra submitted that the Petitioner's resignation has not been accepted because a substitute has to come to his place and several other formalities have to be completed. We do appreciate the stand taken by

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Mr. Deepak Mishra but at the same time we would repeat that future prospects of a young man should not be arrested. Therefore, we would direct that the resignation of the Petitioner should be accepted and he should be relieved by 1st December, 1992 failing which consequences of law would follow against the Opposite Parties provided that no disciplinary proceeding has been drawn up against the Petitioner by 11th November, 1992.

5. Thus, the application is accordingly disposed of leaving the parties to bear their own costs.

W.M.C.
MEMBER (ADMINISTRATIVE)

K. Mohanty
12.11.92
VICE CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack, K. Mohanty,
12.11.1992.

