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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.350 OF 2011

Cuttack this the 26<sup>th</sup> day of May, 2011

CORAM:

HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER

...  
Niranjan Panda. ...Applicant

-VERSUS-

Union of India & Ors. Respondents

**ORDER**

**HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER:**

1. Heard Shri T.Rath, learned counsel for the applicant and Shri D.K.Behera, learned Addl.Standing Counsel(on whom a copy of this O.A. has already been served) appearing on behalf of the Respondents on the question of admission.
2. Applicant at present is working as In -charge GDS BPM, Brahmanigaon Branch Office and at the same time he is working as Asst.Teacher, Padasahi L.P.School. The working hours of Post Office and the School having been clashed, the applicant, vide Annexures-A/5, A/7, A/8 and A/9 has been asked by the Respondent-Department to submit his resignation. It is the case of the applicant that vide Annexure-A/6 dated 21.3.2011 he has sought voluntary retirement from the post of teacher. Despite that, he is being asked by the Respondent-Department time and again for tendering his resignation. Vide Annexure-10 dated 18.5.2011 the applicant has further submitted his application for voluntary retirement to the District Inspector of Schools, Jajpur and at the same time, has submitted a representation to the Superintendent of Post Offices, Cuttack North Division, Cuttack dated 20.5.2011 requesting for grant of some time to submit the voluntary retirement letter. It is the case of the applicant that now due to summer vacation the school where he is a Teacher is closed and in this regard there is no stumbling block for discharging the duties of the Post Office. However, being apprehensive that the Respondent-

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Department would take coercive action, the applicant has moved this Tribunal for quashing Annexures-A/5, A/7, A/8 and A/9 with direction to Respondents to allow him to continue in the post of GDSBPM, Brahmanigaon BO.

I have considered the submissions made by the learned counsel for the parties. The applicant, by filing Annexure-A/11 dated 20.5.2011 has brought to the notice of the Tribunal <sup>that</sup> it was due to his voluntary retirement sought having been misplaced which he could come know from the office of DI of Schools, Jajpur, submitted another application dated 18.5.2011. During the course of hearing on admission, Shri Rath submitted that the applicant shall submit an undertaking to the Respondent-Department to the effect that if by the time the summer vacation is over his voluntary retirement could not be accepted, he would take leave from the duties of teacher till his voluntary retirement is accepted for the purpose of running the Post Office smoothly.

In my considered opinion, this being a trivial matter, could be disposed of at the stage of admission itself. Therefore, without expressing any opinion on the merit of the matter and as agreed to by the learned counsel for the parties, the applicant is directed to submit such an undertaking as indicated above to Respondent No. 2 within a period of one week hence and in case such an undertaking is received, Respondent No.2 shall consider and dispose of the same with a reasoned and speaking order under intimation to him. Till then no coercive action shall be taken.

With the above observation and direction, this O.A. is disposed of. No costs.

Send a copy of this order along with copy of the O.A. to Respondent No.2 and free copies of this order be made available to the learned counsel for the parties.

  
**JUDICIAL MEMBER**