

3
**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 532 OF 2013
CUTTACK, THIS THE 12th DAY OF AUGUST, 2013

CORAM

HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

.....

Bibhuti Bhusan Nayak,
Aged about 35 years,
Presently serving as Tech. (Tele) Gr. II/KDJR
Presently resides at
Nuapada, Via-Tarpur,
P.S. – Tirtol, Dist- Jagatsinghpur.

.....Applicant

Advocate(s) M/s. Sumant Ku. Nayak, S.Ku.Sahu.

VERSUS

Union of India represented through

- 1 The General Manager,
East Coast Railway,
Chandrasekharapur,
Bhubaneswar, Dist.-Khurda.
2. Senior Divisional Personnel Officer,
East Coast Railway,
Khurda Road, Khurda.
3. Chief Signal & Tele Communication Engineer,
In the office of General Manager,
East Coast Railway,
Chandrasekharapur,
Bhubaneswar, Dist.-Khurda.
4. Senior Divisional Signal Telecom Engineer/KUR,
At-Divisional Railway Manager Building,
Khurda Road, P.O.- Jatni, Dist-Khurda.
- 5 The Senior Section Engineer/Telecom/Keonjhargarh,
Railway Station, Keonjhargarh, (East Coast),
At-Gumura, PO-Ghutur-758002.
Keonjhar, Odisha.

..... Respondents

Advocate(s)..... Mr. T.Rath.

..... 



O R D E R (O R A L)

MR. A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. S.K.Nayak, Ld. Counsel for the applicant, and Mr. T.Rath, Ld. Standing Counsel appearing for the Railways, on whom a copy of this O.A. has already been served.

2. This O.A has been filed by the applicant alleging inaction of the Respondents, especially Respondent No. 4, in not accepting the resignation of the applicant and thereby depriving him opportunity of joining other job, which is suitable to his poor health condition. Mr. S.K.Nayak, Ld. Counsel for the applicant, submitted that applicant joined as Technical (Tele)-Grade-III under Section Engineer, Tele (Ex), East Coast Railway, Khurda Road on 03.11.2007. While continuing as such, wife of the applicant became seriously ill and, therefore, he approached Respondent No.2 to transfer him from Khurda to Bhubaneswar and the applicant was subsequently posted to Bhubaneswar on 13.12.2010. Mr. Nayak further submitted that due to sickness of his wife, the applicant applied for six days' C.L. from 06.05.2012 to 11.05.2012 and after that due to his own illness he remained on leave from 13.05.2012 till 21.01.2013 and during the sickness period the applicant used to submit his sickness certificate to the authorities time to time. Further contention of Mr. Nayak is that after being medically fit the applicant submitted his medical certificate before the SSET/BBS on 30.01.2013, who refused to accept the same. The applicant submitted his application before the Sr. DSTE/KUR, who sent him to Sr. D.M.O. (OPD), E.Co.Rly, M.C.S. for declaring him fit, which has been annexed as Annexure-2. Mr. Nayak submitted that the applicant's health condition did not permit him to work at Keonjhar due to unsuitable climate for his health


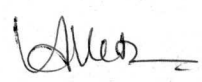
 

5
and, therefore, he submitted his resignation to Respondent No.4 on 31.05.2013 through Registered Post with A.D., under Annexure-8, stating therein that he wants to resign from his service because of his poor health condition. Mr. Nayak submitted that though the applicant, in the meantime, approached the senior authorities, one month's time has elapsed since then and the Respondent No.4 has not accepted his resignation letter and relieved him.

3. Per contra, Mr. T.Rath, Ld. Standing Counsel for the Railways, submitted that though the applicant took 6 days' Casual Leave from 06.05.2012 to 11.05.2012, on 11.05.2012, i.e. on the expiry of his C.L., the applicant was transferred from Bhubaneswar to Keonjhar vide order under Annexure-3. Mr. Rath submitted that due to unauthorized absence of the applicant from 01.03.2013 till 14.03.2013, D&A action was contemplated against him, which is evident from the letter dated 14.03.2013 under Annexure-7. However, Mr. Rath has no immediate instruction whether any D&A proceeding has already been initiated against the applicant for such misconduct.

4. Taking into consideration the submissions made by the respective parties and the letter of resignation made by the applicant on 31.05.2013, without going into the merit of this case, we dispose of this O.A. by directing Sr. D.S.T.E/KUR, E.Co.Rly. (Respondent No.4) to consider the said resignation letter as per rules and regulations invoked. If as per law resignation letter made by the applicant on 31.05.2013 can be accepted then necessary consequential action ~~made~~ be taken by the Respondent No.4.


5. With the aforesaid observation and direction, the O.A. stands

disposed of at the stage of admission itself.

6. Copy of this order, along with paper book, be sent to Respondent No. 4 at the cost of the applicant. Mr. Nayak, Ld. Counsel for the applicant, undertakes to file the postal requisites by 14.08.2013.


MEMBER (Admn.)


MEMBER(Judl.)

RK