

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.592/2004

May 24, 2005

C O R A M:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR.N.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

V.Unnikrishnan, S/o Sh.K.Venugopala Warriar
'Gokul', Chilavannoor Road, Elamkulam, Kochi-20
working as ASM/TAD No.J/T 4295 at Station TADA.

Applicant

(By Advocate Mr.Santhalingam)

Vs.

1. Union of India represented by the General Manager
Southern Railway, Chennai.
2. K.Kannan, Station Master, Tada Railway Station
Nellore District - 524401.

Respondents

(By Advocate Mrs Sumathi Dandapani)

The application having been heard on 24.5.2005 and on the same day the Tribunal delivered the following:

O R D E R

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

The applicant who was working as Assistant Station Master has tendered his resignation which was not accepted by the respondents on the ground that he was subjected to certain disciplinary proceedings on unauthorised absence. Aggrieved by that the applicant has filed this O.A for the following relief:

- 1) "to call for the records relating the Annx.A7 and declare it as illegal and quash the same;
- 2) to declare that the applicant is entitled and eligible for the pay and allowances for the period from 25.12.03 to the date of relief treating the period as eligible leave already applied for
- 3) accept the resignation of the applicant w.e.f. 21st April, 2004."
2. The respondents have agitated the matter by filing a detailed reply statement.
3. The applicant also filed M.A No.446/05 in which the applicant has categorically

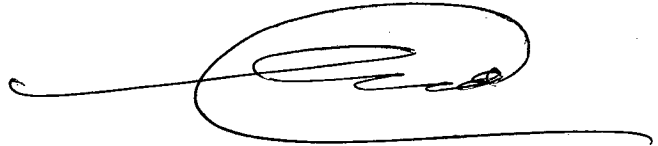


admitted that his resignation was accepted by the respondents w.e.f. 21.4.2004 and that the retirement benefits due to him was paid. It is also stated in the MA that the applicant was not aware of the calculation by which the amount paid as retirement benefits was arrived at. However the counsel for the applicant submitted that since the resignation has already been accepted by the respondents, the applicant is not interested to pursue the O.A. However, he may be given liberty to agitate the quantum of amount of other benefits which is due to him on his resignation, *if found necessary.*

4. Considering the submissions made by the parties the relief claimed in the O.A does not survive. Therefore, the O.A is dismissed. However, the applicant is at liberty to agitate any further grievance in the appropriate forum if he so desires. No costs.



(N. Ramakrishnan)
Administrative Member



(K. V. Sachidanandan)
Judicial Member