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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH
NEW DELHI
CIRCUIT SITTING AT NAGPURO.A. No. 390/88
ExAxxNo.

198

DATE OF DECISION 9-8-1990

Dnaneshwar Ramaji Kadbe Petitioner

Mr. M. S. Waghmare Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

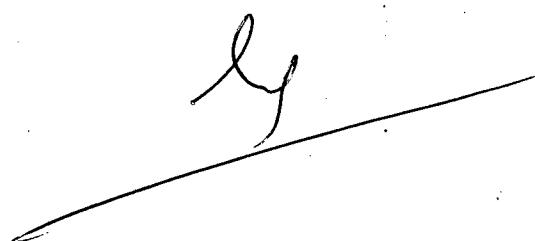
Mr. Ramesh Darda Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. G. Sreedharan Nair, Vice-Chairman

The Hon'ble Mr. I. K. Rasgotra, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

O.A.390/88

(10)

Dnaneshwar Ramaji Kadbe,
r/o Lashkari bagh,
Gondpura, C.No.17/23,
Nagpur - 440 017.

.. Applicant

vs.

1. The Director General,
Telecommunications,
1, Parliament Street,
New Delhi.
2. The General Manager,
Telecommunications,
Maharashtra Circle,
Bombay.
3. The Divisional Engineer,
Telegraphs,
Carrier and V.F.T. Division,
Bombay.
4. The Divisional Engineer,
Telegraphs,
Pune.
5. The Assistant Engineer,
Carrier and V.F.T. Installation
Pune. .. Respondents

Coram; Hon'ble Shri G. Sreedharan Nair, Vice-Chairman

Hon'ble Shri I.K. Rasgotra, Member (A)

Appearances:

1. Mr. M.S. Waghmare
Advocate for the
applicant.
2. Mr. Ramesh Darda
Advocate for the
Respondents.

ORAL JUDGMENT:

(Per G. Sreedharan Nair, Vice-Chairman)

Date: 9-8-1990

The applicant, who is a technician, under the respondents was transferred from Pune to Bombay by the order dated 31-10-1984. His grievance is that pursuant to the order when he reported for duty he was not permitted to assume duty. He prays that he may be allowed to resume duty as Technician as per the transfer order dated 31-10-1984 and be allowed backwages from that date.

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2. In the reply filed by the respondents it is stated that the applicant resigned from service with effect from 1-6-1978 as per the resignation letter submitted by him, ~~but~~ the resignation could not be accepted by the respondents as the letter of resignation was lost in transit. It is contended that in view of the resignation the applicant is not entitled to any ~~benefit~~ ^{relief} as prayed for.

3. The contention of the respondents, on the face of it, are unsustainable. Assuming that the applicant did submit letter of resignation in the year 1978, so long as the respondents ~~had~~ no case that the resignation was accepted, it ~~does~~ ^{has} not take effect. Moreover when the respondents have issued the letter dtd. 31-10-1984 transferring the applicant from Pune to Bombay it is clear that the respondents have been treating the applicant as in service.

4. When the matter was taken up for hearing on 6-8-1990 counsel of the applicant submitted a petition stating that at this stage the applicant claims only the limited relief of appointment as Technician at Bombay and that he does not claim ~~for~~ arrears of salary or any dues in respect of the period when he had not performed duties. We think that the prayer of the applicant is completely justified and has to be allowed.

5. In the result we hereby direct the respondents to accommodate the applicant as Technician at Bombay forthwith. The respondents shall consider the case of the applicant and

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pass orders within a period of three months from the date of receipt of a copy of the order as to how the period of absence is to be treated. However, it is made clear that during the period of absence when the applicant has not performed duties he shall not be entitled to any wages.

6. The application is disposed of as above.

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(I.K.RASGOTRA) 9/8/90

Member(A)

G.S.Nair
(G.SREEDHARAN NAIR)
Vice-Chairman

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