

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 76/99

Date of Decision: 26/2/99

Thomas Devasia

Applicant.

in person

Advocate for
Applicant.

Versus

The SE (Co-ordination), CPWD, Mumbai & 4 Ors. Respondent(s)

Shri V. S. Masurkar

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G. Vaidyanatha, Vice Chairman.

Hon'ble Shri. D.S. Baweja, Member(A).

(1) To be referred to the Reporter or not? *W*

(2) Whether it needs to be circulated to other Benches of the Tribunal? *W*

abp.

R.G. Vaidyanatha
(R.G. VAIDYANATHA)
VICE CHAIRMAN.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GULESTAN BLDG. NO. 6, 4TH FLR, PRESCOT RD, FORT,

MUMBAI - 400 001.

ORIGINAL APPLICATION NO. 76/99.

DATED THE 26TH DAY OF FEBRUARY, 1999

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri D.S.Baweja, Member(A).

Thomas Devasia,
T-7, Shivkedar Flats,
Chandlodia Post,
Ahmedabad.

GUJARAT STATE 382 481.

... Applicant.

V/s.

1. The Superintending Engineer(Co-ordination),
Co-ordination Circle,
Central Public Works Department,
Mumbai - 400 020.

2. Mr. R. Krishnamurthy,
The Superintending Engineer,
Pune Central Circle,
Central Public Works Department,
Nirman Bhavan, Pune-37.

3. The Executive Engineer,
Pune Central Division No.II,
Central Public Works Department,
Nirman Bhavan, Pune-37.

4. Mr. R.B.Gahilot,
The Executive Engineer,
ACD, Central Public Works Department,
47, Sindhi Colony,
Aurangabad - 431 005.

5. The Assistant Engineer,
Akurdi Central Sub-Division,
Zoological Survey of India Campus,
Near Akurdi Railway Station,
Akurdi, Pune-411 044.

... Respondents.

By Advocate Shri V.S.Masurkar.

I O R D E R

[Per Shri R.G.Vaidyanatha, Vice Chairman]

This is an application filed by applicant asking for certain reliefs. Respondents have filed reply. We have heard the applicant who is in person and Shri V.S. Masurkar, for respondents. Since the point involved is short, by consent we are disposing of the OA at admission stage.



The applicant who is working as IDC in the CPWD, Akurdi, Pune has filed this OA asking number of reliefs. He has made allegations against officers of CPWD. One of the Interim prayers he is seeking is that he has now secured a job in postal Department, but the respondents are not accepting his technical resignation and he therefore wants a direction to respondents to relieve him immediately to enable him to join the new post.

2. At the time of hearing today, applicant submitted that he is not pressing all the prayers except the one relief regarding technical resignation and the prayer for being relieved. He also submits that he has withdrawn the allegations made against officers of CPWD.

The learned counsel for respondents submits that since the applicant has withdrawn the allegations and is not pressing for the number of reliefs, he has left the matter to be decided at the discretion of the Court in view of the applicants withdrawing the allegations.

3. After hearing both the sides, we feel that the respondents should be directed to accept the technical resignation and relief should be granted. Applicant says that he has to join the new post on or before 5/3/99. The respondents should be directed to accept the technical resignation of the applicant and relieve him from the present post on or before 3/3/99 to enable him to join the new post on 5/3/99.

It appears the applicant is entitled to salary for the period for which he has actually worked under the respondents. It appears that for certain period he was absent. He has some leave to his credit. The learned counsel for respondents submits that if the applicant gives a proper leave application, it will be



considered as per rules and appropriate orders will be passed and whatever leave is available to the credit of the applicant will be adjusted for the period of absence.

4. In the result, the application is disposed of at admission stage with direction to respondents to accept the technical resignation of applicant and relieve him. The second respondent should accept the technical resignation of the applicant and as a result the 5th respondent should relieve the applicant forthwith positively on or before 4/3/99 to enable the applicant to join the new post on 5/3/99.

The applicant is entitled to pay and allowances for the period for which he has worked under the respondents. He is also entitled to the arrears of 5th pay commission as per rules. As far as the leave is concerned, the applicant should make a proper application for leave which the competent authority may consider and pass appropriate orders expeditiously. It is made clear that applicant is withdrawing all the other prayers and he has also withdrawn the allegations made against Officers of CPWD.

5. In the circumstances of the case, there will be no orders as to costs.


(D.S. BAWEJA)
MEMBER (A)


(R.G. VAIDYANATHA)
VICE CHAIRMAN

abp.