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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH.

Stamp No.86/90 OA 156/90

Dr. (Mrs.) Aruna H. Ramaiya,  
Health Officer,  
Primary Health Centre,  
DIU - 362 520.

.. Applicant

vs.

1. The Administrator of Union Territory of Daman & Diu, Cabo Raj Bhavan, P.O. Dona Paula, Goa.
2. The Chief Secretary, Administration of U.T. of Daman and Diu, Fort Area, P.O.: Moti Daman - 396220.
3. Union of India through The Secretary, Ministry of Home Affairs, Central Secretariat, North Block, New Delhi.

.. Respondents

Coram: Hon'ble Member (J) Shri M.B. Mujumdar  
Hon'ble Member (A) Shri M.Y. Priolkar

Appearance:

Dr. Haresh Damodar Ramaiya  
for the applicant.

ORAL JUDGMENT

(Per M.B. Mujumdar, Member (J)) Date: 14.2.1990

The applicant was initially appointed as Medical Officer at Cumbarjua in Goa on 18.3.1981. In 1986, Goa was given status of a state and Daman & Diu were kept as Union Territory. The applicant opted for Daman and Diu and hence she was transferred and appointed as Medical Officer of the Primary Health Centre at Diu. By order dtd. 25.11.87 she was promoted as Health Officer of the Primary Health Centre at Diu. According to the applicant she was not getting any additional monetary benefits but she was required to shoulder administrative duties.

2. On 2.11.88 she sent a letter to the Chief Secretary of Govt. of Daman & Diu requesting that she should be reverted back to the post of Medical Officer as there was no incentive in the new posting. She also

indicated her wish to resign from service w.e. from 31.12.88 or any date fixed by the Govt. after that date. As she did not get a prompt reply she sent letter dated 16.2.89 to the Under Secretary(Health) Govt. of India, New Delhi. After expressing her difficulty she stated that she had repeatedly submitted her resignation to the highest authority i.e. the Chief Secretary, Diu & Daman, but she did not hear anything positive from him. On the same day she sent a letter to the Chief Secretary, Diu & Daman Administration. She pointed out in the letter that it was not physically possible for her to continue at Diu for long and hence it will be appreciated if some decision can be taken. At the top of the letter it is mentioned that the letter was regarding resignation addressed to Under Secretary(Health). On 19.9.89 she wrote another letter to the Chief Secretary Union Territory of Daman and Diu. The subject of the letter is "Resignation". In the second paragraph she pointed out that she had requested for reversion to the post of Medical Officer as there was no incentive in the post. Then she stated "in the circumstances I wish to resign from services from 30.10.1989 or any date fixed by the Gov. This was also requested earlier. I have to request you to consider my resignation at an early date & oblige."

3. Finally the Asstt. Secretary to the Admn. of Daman and Diu issued the following memorandum :

"The Administrator is pleased to accept the resignation tendered by Dr. (Mrs.) Aruna H. Ramaiya, Health Officer, Primary Health Centre, Diu w.e.f. 30.11.1989 (Afternoon). She should handover the charge to Dr. Gadge, Rural Medical Officer, Vanakabara, Diu."

The above memorandum was received by the applicant on 17.1.1990.


4. On 12.2.1990 the applicant has filed this application. She has prayed for declaring that (i) she had never submitted a resignation; (ii) the impugned order of acceptance of resignation is illegal and ineffective in law; and (iii) the impugned order is issued without application of mind and hence it is malafide.

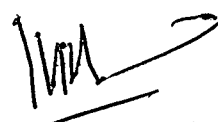
5. We have heard Dr. Harish D. Ramaiya, the husband of the applicant who is also holding the power of attorney from the applicant. He stated that he is serving as a Public Health Dentist in the Public Health Centre at Diu. We have referred to all the letters sent to various authorities and which are on record before us. The main attack of the applicant is, as can be seen from the application, that her resignation was not addressed to the appointing authority. But the applicant has sent the letter of resignation not only to the Chief Secretary of the Administrator of Daman & Diu but also to Under Secretary (Health) Govt. of India indicating her desire to resign. The letters ~~wrote~~<sup>sent</sup> by her show that she was not happy with the ~~work~~ administrative work which she was required to do as Health Officer. But from all the letters referred to above it is clear that she wanted to resign from the post. But letter dated 19.9.89 sent to the Chief Secretary is described as 'Resignation' and she had indicated her desire <sup>to resign</sup> from service w.e.f. 30.10.89 or ~~on~~<sup>from</sup> any date fixed by the Govt. It is as per her desire that her resignation was accepted with effect from 30.11.89. May it be noted that the applicant never retracted her resignation prior to ~~her~~<sup>its</sup> acceptance by memorandum dated 12.1.1990. The memorandum was issued by an order in the name of Administrator of Daman and Diu who was the appointing authority so far as the applicant was concerned. Hence we find nothing wrong in the acceptance of the resignation of the applicant by memorandum dtd. 12.1.90.

6. Dr. Ramaiya on behalf of the applicant submitted

that the applicant had actually worked upto 25.1.1990. Hence ~~he~~ requested that the applicant should be paid salary upto that date. He also stated that the applicant has applied for salary upto that date and that application is under consideration. He also submitted that the respondent should be asked to pay the amounts due to the applicant according to rules as early as possible. We find no difficulty in giving the direction to the Govt. in ~~this~~ respect.


7. In result we pass the following order:  
The application is summarily rejected.  
The respondents should settle whatever amounts <sup>are</sup> ~~which~~ due to the applicant according to rules including the salary due to her if she has worked after 30.11.89.  
There will be no order as to costs.

  
(M.Y. PRIOLKAR)  
Member(A)

  
(M.B. MUJUMDAR)  
Member(J)

Judgement dt 14.2.90  
Served a.P. No 2 a dt.

5-4-90

  
11/9/90