

(us)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH  
AT HYDERABAD

-----  
ORIGINAL APPLICATION NO.423/92

DATE OF JUDGEMENT: 21st JANUARY, 1993

Between

C.B.S. Rayudu

.. Applicant

and

1. Union of India rep by  
Secretary,  
Department of Electronics  
Electroniki Mukhalaya  
6, CGO Complex, Lodi Road  
NEW DELHI-110 003

2. Director General  
Department of Electronics  
Electroniki Mukhalaya  
6, CGO Complex  
Lodi Road  
NEW DELHI 110 003.

3. Electronics Test & Development  
Centre  
Kamalanagar  
ECIL PO  
Hyderabad rep by  
its Director

.. Respondents

Counsel for the applicant

:: Mr Vilas Afzulpurkar

Counsel for the respondents

:: Mr N.R.Devraj, Addl.CGSC

CORAM:

HON'BLE SHRI R. BALASUBRAMANIAN, MEMBER (ADMN)

HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

*T. Chandrasekhara Reddy*

..2..

18/10/92

(u9)

JUDGEMENT OF THE DIVISION BENCH DELIVERED BY HON'BLE  
SHRI T. CHANDRASEKHARA REDDY, MEMBER(JUDL.)

This is an application filed under Section 19 of the Administrative Tribunals Act, to declare that the proceedings of the third respondent dated 06/07-05-92 as illegal, arbitrary and bad in law and further direct the respondents to permit the applicant to continue in the post of Joint Director in third respondent's organisation or elsewhere with all consequential benefits and pass such other order as may deem fit and proper in the circumstances of the case.

2. The facts giving rise to this OA in brief are as follows:

3. The applicant was initially appointed in the third respondent's organisation ~~as~~ i.e. Electronics Test & Development Centre, Hyderabad as Scientist/Engineer Grade 'SE' in a temporary capacity w.e.f. 20.9.89, as per the notification of the Govt. of India. While so, according to the applicant he had highlighted his feelings to the higher authorities with regard to injustice, partial treatment and deviation from rules and procedures which were not appreciated by the higher-ups in the Department. So, the applicant on <sup>24.10.91</sup> ~~17.12.91~~ addressed a letter to (2nd respondent) Director General(STQC), Department of Electronics/ with a copy to the Secretary, Department of Electronics (1st respondent) which reads as follows:

"From:

C.B.S.Rayudu  
Joint Director  
ETDC, Kamalanagar,  
HYDERABAD-500 762

To

The Director General  
STQC Directorate  
Dept. of Electronics  
C-91, NDSE Pt.II,  
New Delhi-110 049

(Through Proper Channel)

T. C. R.

22/10/91

Respected Sir,

With due respect, I submit below the following few lines for your detailed study and justifiable reply for the feelings of a Senior Group "A" officer working in one of your Laboratory under your Directorate.

As you may be aware, I have been assigned with the responsibility of Vigilance Officer for ETDC, Hyderabad and has to deal with the Vigilance issues coming to my notice.

Many times, I discuss with my Director about the Vigilance issues which need to be dealt with but, I could see no action coming out of my discussions. But, unfortunately, the matter which I brought to Vigilance Cell came to the notice of all including the office where I am working and threw me in such an embarrassing situation.

On 24.10.91, the Director call me in front of a Lab Assistant and other officers and enquiring vigilance issues in front of them. It was very much embarrassing for an officer to face such a situation that too, before a Lab Assistant. It is understood that a Head of office has commented to an extent that he would ruin me. What is the mistake I have done? What is the meaning defined for duty - vigilance, etc. I hope this is the reward we get for being a true Govt. servant and doing our duties sincerely.

Some of the officers including me have been insulted several times for working with honesty, sincerity and improving the function of Centre for better efficiency and revenue.

If higher authorities feel that highlighting the injustice, partial treatment, deviations in procedures and rules are not correct, I am ready to submit my resignation from my job.

I request DG STQC to justify the above action of Director ETDC Hyderabad.

Thanking you,

Yours faithfully, "  
Sd/-  
(C.B.S. RAYUDU)

(emphasis in the above letter is ours)

Though the applicant has endorsed a footnote in his own handwriting at the bottom that the above letter was not sent immediately to the concerned authorities, it is admitted fact that later, the applicant had sent that letter to the concerned authorities.

The applicant has written onemore letter on 17.12.91 to the Director General (STQC), Department of Electronics, New Delhi which is as under:

"From C.B.S. Rayudu  
Joint Director  
ETDC Kamalanagar  
HYDERABAD  
To Director General  
STQC Directorate  
Department of Electronics (Through: Proper channel)  
C-91, NDSE Pt II  
NEW DELHI 110 049

32/10/91

57

..4..

Sir,

Sub: Resignation for the post of Scientist/Engineer

I am thankful for giving me an opportunity to involve and serve the STQC Directorate, DoE, Govt. of India. I have full satisfaction to involve and serve STQC activities. I served to my best/full satisfaction the industry and raised the revenue of the Centre also considerably within a period of two years. I built up the image of ETDC, STQC, DoE through my wholehearted interaction with the industry as interface (TP&C) of the Centre. I explained all the clients of ETDC, the importance of ISO 9000, IECQ documented international quality system and many industries are in the implementation process.

My strong reason to put up this application to you is: the sincerity, honesty, devotion to work, contribution to the achievements are ill-treated.

Secretary says to maintain discipline to be clean in the operations to improve the economy. DG says to maintain unity, to maintain communication, Chief Vigilance Officer says to have effective vigilance and to bring the reports to his knowledge, but if somebody honestly, practically try to work as per the above indications, he is ill-treated by the Head of the Office also.

I cannot kill my frankness and honesty and develop saying lies, false and hence, I request you to relieve me from my present post at the earliest.

Thanking you,

Yours faithfully,

Sd/-  
(CBS RAYUDU)  
Dt. 17.12.91

Copy to: Secretary, DoE  
Lok Nayak Bhawan  
New Delhi

(emphasis in the above letter is ours)

While the said letter dated 17.12.91 was pending with the Second respondent, the applicant addressed another letter dated 10.3.92 to the second respondent, which is extracted as under:

"  
From

C.B.S. RAYUDU  
Joint Director  
ETDC Kamalanagar  
Hyderabad 500 762

To

The Director General  
STQC Directorate  
Electroniki Mukhalaya  
6, CGO Complex, Lodi Road  
New Delhi-110 003.

Handwritten signature/initials

Handwritten signature/initials

..5..

..5..

Respected Sir,

I am grateful to you to talk to me and give me suggestions about 2 months back. I was silent on the whole issue. Director did not allow me to be silent. So, I sent all the papers to you. Mr Mehta was kind to talk to me and gave me some solutions and asked me to send my reply. Sir, I am looking for justice. I love to work with STQC and serve industry and also looking for the efficiency and security of public investment.

If the situation in which I am put in is not appreciated, no officer/staff in future may come forward to highlight the deviations/wrong practices in Govt. departments. Timely corrective action will desist somebody running the Central Govt. departments/offices as their family/personal business.

Thanking you,

Yours faithfully,

Place:Hyderabad  
Date :10.3.92

Sd/-  
(C.B.S. RAYUDU)  
Joint Director

At the bottom of the above letter, the applicant in his own-handwriting had appended a note which reads as follows:

Sir,

The test centres are without manpower at the working level. The pending of the jobs is increasing. I request you to appoint 2/3 persons in the grade of SA'A' for ETDC Hyderabad equal to my pay and release me by 30.6.92.

(emphasis supplied by us)

Sd/-  
C.B.S.Rayudu"

4. As could be seen from his letter dated 24.10.91 the applicant had expressed his mind to resign the job. As per his letter dated 17.12.91, he had described the subject as "Resignation for the post of Scientist/Engineer". After describing so, at the bottom of the letter dated 17.12.91, the applicant had requested the competent authorities to relieve him from the said post at the earliest. Not being contended with, the applicant again appended in his own handwriting a to the letter dated 10.3.92, requesting the competent authorities to release him by 30.6.92. The President, who is the appointing authority was pleased to accept the resignation of

T - C. Rayudu

5/10/92

..6..

applicant from Service as per the order dated 11.5.92 with effect from 6.5.92. The applicant was actually communicated the acceptance of the resignation by the competent authority on 7.5.92 and was relieved of his duties with effect from 12.5.92 from the post of Joint Director which he was holding in the third respondent's organisation. The applicant has filed the present OA on 18.5.92 to declare the said proceedings dated 11.5.92 are illegal and for further reliefs as already indicated above.

5. Counter is filed by the respondents opposing this OA.

6. Rejoinder is filed by the applicant to the counter filed by the respondents.

7. We have heard in detail Mr Vilas Afzulpurkar Counsel for the applicant and Mr N.R.Devraj, Standing Counsel for the respondents.

8. It is vaguely contended on behalf of the respondents that the applicant, under CCS(Pension)Rules, Rule 26, should have submitted an appeal to the competent authority to reconsider his request under certain conditions and that, the applicant had not taken any such steps before filing this OA and as the applicant had not availed the alternative remedies that were available before filing this OA, this OA is not maintainable.

9. No Service Rule is brought to our notice which gives a right to the applicant herein to prefer an appeal as against the orders of the competent authority (President of India) who had accepted the resignation of the applicant. So, as no statutory rule is brought to our notice prescribing a right to the applicant to prefer an appeal, in our opinion

T. C. M. T.

..7

6/5/92

(54)

..7..

this OA is certainly maintainable, and, it is open for this Tribunal to go in to the merits of this case and adjudicate the same.

'Resignation' in the Dictionary sense means the spontaneous relinquishment of one's own right. This is conveyed by the maxim: *Resignatio est juris proprii spontanea refutatio* (see Earl Jowitt's Dictionary of English Law). In relation to an office, it connotes the act of giving up or relinquishing the office. To "relinquish an office" means to "cease to hold" the office, or to "loose hold of office" and to "loose hold of office" implies to "detach", "unfasten", "undo" or "untie the binding knot or link" which holds one to the office and the obligations and privileges that go with it.

In the general juristic sense, also, the meaning of "resigning office" is not different. There also, as a rule, both the intention to give up or relinquish the office and the concomitant act of its relinquishment, are necessary to constitute a complete and operative resignation although the act of relinquishment may take different forms or assume a unilateral or bilateral character depending on the nature of the office and the conditions governing it. Thus, resigning office, necessarily involves relinquishment of the office, which implies cessation or termination of, or cutting as-under from the office. Indeed, the completion of the resignation and the vacation of the office are the casual and effectual aspects of one and the same event.

So, as already pointed out, it is quite evident from the letters of the applicant referred to above, that the applicant's intention was to give up or relinquish the post which he was holding.

T - C. n

..8

7th 10  
21

..8..

On 17.12.91, the applicant had submitted the letter of resignation to the competent authority. The footnote of the applicant appended in his letter dated 10.3.92 by his own handwriting clearly indicates that the applicant had specifically requested the competent authority to relieve him from the post which he was holding. As already pointed out, the competent authority accepted the resignation on 6.5.92, that is roughly 2 months after the applicant wanted the competent authority to relieve him from the post. The fact that the competent authority had accepted the resignation of the applicant is not in doubt at all.

10. Now, the first and foremost question that has got to be decided is, after the letter of resignation was accepted by the competent authority whether it is open for the applicant to go back on his resignation. It is significant to note, that at no time, the applicant wanted to withdraw the resignation letter dated 17.12.91 submitted to the competent authority. At the risk of repetition, it may be pointed out that in the foot note of the applicant's letter dated 10.3.92, the applicant had specifically requested the competent authority to relieve him from the duties by 30.12.91. So, as there was no other go to the competent authority except to accept the resignation of the applicant, the authority had accepted the resignation of the applicant by its orders dated 11.5.92 w.e.f. 6.5.92.

11. It will be pertinent to refer to the decision of the Supreme Court in AIR 1969 SC 180 Raj Kumar A. Union of India where it is laid down as follows:

T. C. N.

8/11/92



56

..9...

"Held, that he had no locus paenitentiae to so withdraw his offer of resignation after it was accepted.

2.	xx	xx	xx	xx	xx
	xx	xx	xx	xx	xx
3.	xx	xx	xx	xx	xx
	xx	xx	xx	xx	xx

AIR

Further in ~~1978~~ 1978 SC 694 Union of India, Appellant Vs Gopal Chandra Misra and others respondents it is held as hereunder by the Supreme Court.

"The general principle regarding resignation is that in the absence of a legal, contractual or constitutional bar, a 'prospective' resignation can be withdrawn at any time before it becomes effective and it becomes effective when it operates to terminate the employment or the office tenure of the resignor. This general rule is equally applicable to Govt. servants and constitutional functionaries. In the case of a Govt. servant/or functionary who cannot, under the conditions of his service, or office by his own unilateral act of tendering resignation give up his service/or office ~~XXXXXX~~ normally, the tender of resignation becomes effective and his service/or office tenure is terminated when it is accepted by the competent authority. In the case of a Judge of High Court, who is a constitutional functionary and under Proviso (A) to Art.217(1) has a unilateral right ~~to~~ or privilege to resign his office, his resignation becomes effective and tenure terminated on the date from which he, of his own ~~xxxx~~ volition, chooses to quit office. If in terms of the writing under his hand addressed to the President, he resigns in praesenti, the resignation terminates his office tenure forthwith, and cannot therefore, be withdrawn or revoked thereafter. But, if he by such writing chooses to resign from a future date, the act of resigning office is not complete because it does not terminate his tenure before such date and the Judge can at any time before the arrival of that prospective date on which it was intended to be effective, withdraw it because the constitution does not bar such withdrawal.....  
.....  
....."

The above said principle applies to Government servant also.

12. So, as could be seen from the footnote in the applicant's letter dated 10.3.92, it is crystal clear that the applicant was eager to come out of the Department on or before 30.6.92. So, in view of the facts and circumstances of the case and in view of the law laid down by the

..10

T - C - n

9/11/92

52

..10..

Supreme Court in the above cited two decisions, the acceptance of the resignation of the applicant by the competent authority is valid and legal. So, as the applicant's resignation had been accepted by the competent authority and as the applicant had ceased to be a Government servant from the date, his resignation was accepted, this OA is liable to be dismissed.

13. It is the contention of the learned counsel appearing for the applicant that an appropriate construction of circumstances and events, it cannot be said that the letter dated 17.12.91 tantamounts to letter of resignation. Alternatively, it is contended by the learned counsel for the applicant that, even though the letter dated 17.12.91 is treated as resignation, from the letter of the applicant dated 10.3.92, it must be taken that the applicant had withdrawn the resignation letter dated 17.12.91. As already pointed out, the letter dated 17.12.91 describes the "subject" as "Resignation for the post of Scientist/Engineer". Prior to that, in the letter dated 24.10.91, the applicant had clearly given his mind of resigning from the job. So, from the letter dated 17.12.91, we do not have even slightest doubt to come to the conclusion that the applicant had submitted his resignation. This fact is corroborated amply by the footnote of the letter dated 10.3.92 wherein the applicant had requested the competent authority to relieve him by 30.6.92. So, unless the applicant had submitted his resignation prior to 10.3.92 as per the letter dated 17.12.91 we are unable to understand why the applicant should specifically request the competent authority to relieve him by 30.6.92. After going through all the 3 letters referred to above, i.e. 24.10.91, 17.12.91 and 10.3.92 (along with footnote) the only conclusion that has got to be drawn is that the applicant had submitted resignation for his post. In view of

7 - 0 - 2 - 1

..11

10/11/92

08

..11..

the facts and circumstances of the case, we do not see any force in the contention of the learned counsel appearing for the applicant that letter dated 17.12.91 does not amount to a letter of resignation and only is a letter expressing his grievance as against the department.

14. Alternative argument of the learned counsel for the applicant is that the applicant is deemed to have withdrawn his resignation as per the letter dated 10.3.92 does not appeal to us. The letter dated 10.3.92 has got to be read along with the footnote which is in the own handwriting of the applicant. The footnote which is in the own handwriting of the applicant (photocopy of which is appended to the counter to this OA) clinches the issue. As already pointed out, unless the applicant had submitted his resignation, there was no need for requesting the competent authority to relieve him by 30.6.92. So, the letter dated 10.3.92 is to be treated as withdrawal of resignation of the applicant cannot at all be accepted.

15. A photocopy of the internal note that had been put up to the competent authority is also filed before the Tribunal by the respondents. The note would go to show that the Deputy Secretary, STQC Directorate spoke to the applicant on telephone when the applicant was asked to consider whether he would like to be transferred to any other laboratory and that the applicant had asked for some time to think over the matter. It is only after the said conversation between the applicant and the Deputy Secretary that the applicant had submitted his letter of 10.3.92 with the footnote in his own handwriting requesting the competent authorities to relieve him by 30.6.92. So, in view of the discussions in between the applicant and the department as aforesaid, and

T. C. [Signature]

....12

11/10/92

..12..

as the applicant had not withdrawn his letter of resignation before it was accepted, it is rather difficult to accept the fact that the applicant under any impulse had resigned the said post.

16. The learned counsel appearing for the applicant relied on a decision reported in 1984 SC 541 PK Ramachandra Iyer Vs Union of India and Dr YP Gupta Vs Union of India with Dr T.S.Raman Vs Union of India and Om Prakash Khaudri Vs Union of India. The facts of the <sup>cited</sup> case are as follows:

"One Dr YP Gupta filed Writ Petition No.276 of 1972 in the High Court of Delhi questioning the correctness of the order removing him as member of the faculty of the post-graduate council of Indian Agricultural Research Institute (IARI for short). Petitioner Dr Gupta also questioned the validity of appointment of Dr SL Mehta respondent no.6 in the High Court to the post of Senior Biochemist in IARI and claimed that he was entitled to be appointed to that post. This petition was resisted by the respondents similarly on the ground that neither ICAR nor IVRI is either a State or other authority within the meaning of the expression in Article 12 of the Constitution. When the matter came up before the Division Bench of the Delhi High Court, a direction was given that in view of the importance of the questions that arise for determination in the writ petition before the court and in view of the various decisions which have to be reconciled, the petition should be heard by a larger Bench. Pursuant to this direction, the matter came up before a Bench of five Judges. The larger Bench formulated four questions for its considerations:-

1. Do the petitioners have legal right to challenge the appointment of respondent no.6?
2. Has the Director General of the ICAR acted in contravention of any legal obligation in making the appointment of respondent no.6?
3. Has the said appointment vitiated by the malafides of Dr Swaminathan and/or of Dr.Naik?
4. Was it bad because of the want of qualifications of Dr Mehta or non-compliance with the prescribed procedure in making it?

..13

T. C. M. f

12/10/80  
3/5

The Court answered the first question against the petitioner ~~xxxx~~ holding that ICAR is a society registered under the Societies Registration Act and it is neither a State nor other authority within contemplation of Article 12 of the Constitution. The court further held that the relation between the petitioner and the ICAR is governed by a contract and the rules and the bye-laws of the Society and ICAR was free to fill in the post of Senior Bio-chemist in any manner it liked. The Court observed that the Petitioner being a mere employee he has no legal right against the employer and in the absence of any statutory element governing his employment, the relation is governed purely by a contract and a breach of contract, if any, would not permit a declaration in favour of the petitioner. Briefly, the court held that the remedy by way of writ is not available against ICAR. On the second question the court held that the Director General owed no obligation or legal duty in making the appointment of the 6th respondent which can be enforced by a writ petition. Question Nos 3 & 4 were dealt together and it was held that the pleadings were inadequate to permit a finding of mala fide and in the absence of proof there is nothing to show that the appointment of the 6th respondent was vitiated either by malafides or by non-compliance with procedure. Consistent with these findings the writ petition of Dr Gupta was dismissed. Simultaneously, the writ petition filed by one Dr TS Raman being Writ Petition No.669/72 was dismissed by the common judgement.

4. Dr YP Gupta filed SLP No.2239 of 1975 in this Court. On October 6, 1975, this Court directed a notice to be issued to the respondents to show cause why special leave appeal should not be granted. When the matter came up again before this Court on July 21, 1976, Mr Lokur learned counsel appearing for the ICAR stated to the Court that the respondent council would consider the question of taking back the petitioner as member of the post-graduate faculty of IARI. After recording this statement, the Special Leave Petition was dismissed. Petitioner Dr Gupta filed Review Petition No.79 of 1976 requesting the Court to review the order dismissing the special leave petition. This review Petition was rejected on October 27, 1976. As second review petition was not barred at the relevant time, Dr Gupta filed review petition No.4/77 which is directed to be heard in the present group of appeal, writ petition and special leave petition."

While dealing with the Greivances of Dr Gupta that he was illegally removed, at Para 34, ~~thex22~~ of the Judgement, the Supreme Court observed as follows:

- " 34. The second grievance of Dr Gupta is that he was illegally removed from the membership of the Post-graduate Faculty by the Academic Council. Few relevant facts in this connection are that Dr Gupta felt that he was unjustly treated by his superiors by not allocating students for Ph.D to him and by not facilitating post-graduate teaching. There is a long drawn-out correspondence in this behalf which we consider unnecessary to refer to save and except the letter dated May 30.1970 which ~~a~~ has been treated by the Academic Council as a letter of

13712

T - 0

resignation of Dr Gupta from the membership of the Faculty. By this letter, petitioner Dr Gupta informed the Academic Council that even though he has been repeatedly assured that his grievance would be thoroughly examined and full justice would be done to him for the discrimination and victimisation to which he has been subjected in the matter of allotment of students of 1968 and 1969 batches, nothing has been ~~subg~~ done in this behalf. He further states that he has been all along patiently waiting for the redressal of his grievance, yet justice hasnot been done to him. He then states as under:

"As such, after showing so much patience in the matter, I am sorry to decide that I should resign from the membership of the Faculty in protest against such a treatment and against the discrimination and victimisation and shown to me by the Head of the Division in the alotment of students of 1968 and 1969 batches and departmental candidates."

"This letter was placed before the meeting of the Academic Council convened on May 3, 1971 chaired by respondent no.4. Letter dated May 30, 1970 of the petition was placed on the agenda item No.17. In this connection, the Academic Council resolved as under: "

"Your letter was considered by the Council at its meeting held on 3rd May, 1971 when the Council came to the unanimous conclusion that you were not interested in continuing as Faculty Member and hence, the council regrets to utilise your services as a Faculty Member of the PG School any more."

"The callous and heartless attitude of the Academic council is shocking. It adds insult to injury. Dr Gupta has been the victim of unfair treatment because he raised a voice of dissent against certain claims made by the high-ups in ICAR in the field of Research. Avoiding going into the details of it, this resulted in Dr Gupta being denied the allocation of students. He did not ~~xxx~~ act in a precipitate manner. He went on writing letter after letter even including to respondent no.4 beseeching him to look into the matter and to render justice to him. When every thing fell on deaf ears, out of exasperation, he wrote a letter dated May 30, 1970 in which he stated that the only honourable course left open to him was to resign rather than suffer. The Council seized this opportunity to get rid of Dr Gupta.....  
....."  
....."

T. C. Singh

T. C. Singh

62

..15..

17. So, bearing on the said judgement, it is the contention of the learned counsel for the applicant that in this case also, the competent authority had seized the opportunity to get rid of the applicant and so, his resignation had been accepted. The facts in the reported judgement are completely different from the facts of this case. It will be pertinent to extract para(c) at Page 4 of the counter filed by the respondents hereunder:

(c).....

.....

.....

.....

Even when the applicant was asked over phone whether he would prefer to be transferred on humanitarian ground and to pursue his career in the Government at any other office of D.C.E., he had asked for time to consider the matter. Subsequently, he had sent the letter of 10th March, 1992 with a footnote that he may be relieved from his duties by 30.6.92 which clearly shows his determined in leaving the organisation. "

The copy of the internal office note of the Department of Electronics, STQC Directorate that is filed before the Tribunal and to which a reference has already been made also confirms the above stand of the respondents. Sufficient opportunity has been given to the applicant to reconsider his stand before the resignation of the applicant was accepted by the responder. In the Supreme Court case referred to above i.e. AIR 1984 SC 5 Dr Gupta had not been given an opportunity to reconsider his stand. So, the facts in AIR 1984 SC 541 are completely different from the facts of this case and so AIR SC 541 has no application to the facts of this case.

..16

T. a. n. f.

15th 10

...16..

18. On the other hand, the facts in AIR 1969 SC 180 Raj Kumar Appellant Vs Union of India would show that the appellant therein belonged to the Indian Administrative Service and was in August 1964 posted as Collector and District Magistrate, Kota. On 21st August, 1964, he addressed a letter to the Chief Minister, Rajasthan, setting out several grievances and finally stated -"in conclusion I would only request that the Government may do me the kindness of accepting my resignation from the service which I am submitting separately as I am convinced that it would be impossible to continue in such an atmosphere without being humiliated from time to time." The said letter of resignation of the appellant therein was accepted and before the acceptance of the resignation could be communicated, the appellant therein had withdrawn the resignation. It is in this context that the Supreme Court had held that after acceptance of the resignation, it is not open for a Govt. servant to withdraw the same. No rule, or provision of law is brought to our notice that after acceptance of the resignation in this case, it was open to the applicant to go back on the same. The law laid down in AIR 1969 SC 180 is applicable to the facts of this case and the contention of the learned counsel for the applicant that the respondents in order to get rid of the applicant had accepted his (applicant's) resignation cannot not at all be accepted.

T. C. M. P.

..17..

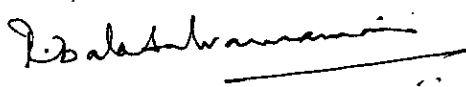
16th  
8/2

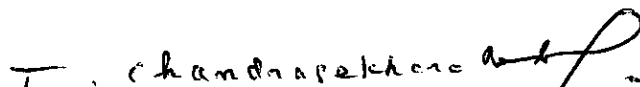


..17..

19. The learned counsel appearing for the applicant further relied on decisions reported in 1987(3) SLR 532 Pritam Lal Vs Union of India and 1978(20 SLR 425 Delhi Electric Supply Undertaking Vs Tarachand. We have gone through the said decisions and the said two decisions have no relevance in the context of the case on hand.

20. In the result, we see no merits in this OA and this OA is liable to be dismissed and is accordingly dismissed leaving the parties to bear their own costs.

  
(R. BALASUBRAMANIAN)  
Member (Admn)

  
(T. CHANDRASEKHARA REDDY)  
Member (Judl.)

Dated: 21<sup>st</sup> January, 1993

  
Dy. Registrar (J)

mvl

To

1. The Secretary, Union of India,  
Dept. of Electronics, Electroniki Mukhalaya  
6, CGO Complex, Lodi Road, New Delhi-3.
2. The Director General, Dept. of Electronics  
Electroniki Mukhalaya, 6, CGO Complex,  
Lodi Road, New Delhi-3.  
Director,
3. The/Electronics Test & Development Centre,  
Kamalanagar, ECIL PO Hyderabad.
4. One copy to Mr. Vilas Afzulpurkar, Advocate, CAT. Hyd.
5. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
6. One copy to Deputy Registrar (J) CAT. Hyd.
7. Copy to All Reporters as per standard list of CAT. Hyd.
8. One spare copy.
9. One copy to Sri T. Chandrasekhara Reddy, member (J) CAT. Hyd.

pvm

17th Feb  
Page 2 of 2

17

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V. NEELADRI RAO :V.C.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN :M(A)

AND

THE HON'BLE MR. CHANDRA SEKHAR REDDY  
:MEMBER(J)

AND

THE HON'BLE MR.

DATED: 21-1-1993

~~ORDER/JUDGMENT~~

*FOR Typing.*

~~R.P./C.P/M.A. No.~~

in

~~C.A.No.~~ 423/92

~~F.A.No.~~

(W.P.No. )

Admitted and Interim directions  
issued.

Allowed

Disposed of with directions

Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs.

pvm

