

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.200/93

dt.19-2-97

Between

K. Ranganatha Swamy

: Applicant

and

1. The Director-General
Telecom (reptg. Union of India)
New Delhi 110001

2. The Telecom Distt. Engineer
Karimnagar 505001

3. The Sub Divisional Officer
Telecom, Karimnagar

: Respondents

Counsel for the applicant

: C. Suryanarayana
Advocate

Counsel for the respondents

: V. Bhimanna
Addl. CGSC

CORAM

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

HON. MR. B.S. JAI PARAMESWAR, MEMBER (JUDL.)



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7. The reply deals with his granting of leave, and other aspects but it does not clearly state whether resignation submitted by the applicant has been accepted or not. If so accepted who accepted the same. Also no document has been enclosed to the reply showing the memorandum issued accepting his resignation. The learned counsel for the applicant submits that even in the impugned letter it is not stated that his resignation has been accepted.

8. In view of the position explained above it may be possible that acceptance of resignation could have been recorded in the file and it was not made public. Even in that case the applicant's prayer for reinstatement even without backwages from the date when he went on leave may not be in order as the applicant kept quiet till 1992. There was no letter produced to show that he approached the authorities during the intervening period from 1982-1992 to reinstate him. He had also not informed the respondents in regard to his health and requested ^{for} ~~for~~ ^{him} ~~an~~ keeping his appointment open to enable him to join at ~~at~~ later date. He has also not approached the respondents to extend his leave after the spell of sanctioned leave was over. In the circumstances we are not in a position to say that the respondents alone are guilty in not accepting his ~~resig-~~ nation in accordance with law but we also hold the applicant responsible for not discharging the obligation thrust on him. In that view, we feel that both should equally suffer for inaction on their part.

9. In the present circumstances, we feel that justice will be done if the applicant is engaged as a Casual Lineman considering his past experience in that cadre. The applicant is free to file a representation if he considers

3. The applicant applied for 15 days leave and proceeded on leave from 19-7-1983 to 2-8-1983 after it was sanctioned by Respondent-3. Thereafter the applicant had not turned up for duty. In the mean time it is stated that the applicant submitted letter of resignation dated 10-1-1984 and that resignation letter was recommended for acceptance after settling the accounts by Respondent-3 vide his letter No.Q-155/LM/25 dated 16-2-1984 (Annexure A.8).

4. The applicant submits that his resignation has not been accepted and he was also not informed to report ~~to~~ duty. The applicant is in dark in regard to his resignation letter. It is stated that he was under the impression that his resignation letter was not accepted. The applicant submitted a representation on 15-6-1992 (Annexure A-9), requesting Respondent-2 to reinstate him in service. It is stated in that letter that he had fallen sick (mental depression) and in addition, his father had expired and he took treatment till 10-6-1992. As his health is normal now, he requested for reinstating him. But he was informed by the impugned letter No. Q-668/92-93/27 dated 24-28/10/92 (Annexure A.11) that as he resigned from service the reinstatement is not permissible.

5. This OA is filed praying for setting aside the impugned letter dated 24/28-10-1992 by holding it as arbitrary, illegal and for a consequential direction to the respondents to reinstate him in service without back wages treating the period of his absence from 3-8-1983 till date as dies-non.

6. A reply has been filed in this OA.

that his fitment as Lineman by the earlier order should be continued treating the intervening period as dies-non. If such a representation is received the respondents will deal with that representation in accordance with law.

8. With the above directions, the OA is disposed of. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

Rushikesh
संघातद विकारी
COURT OFFICER
कानूनी विवरण
Central Judicial Tribunal
केन्द्रीय न्यायिक
COURT OF APPEAL
UPPRAKASH BENCH