

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.No.767 OF 1997.

DATE OF ORDER:2-2-1999.

Between:

Chandika Kotaiah.

.. Applicant

and

1. The Sub Divisional Inspector (P),
Ongole West Sub Division, Ongole.
2. The Senior Superintendent of Post
Offices, Prakasam Division, Ongole.

.. Respondents

COUNSEL FOR THE APPLICANT :: Mr.K.Venkateshvara Rao

COUNSEL FOR THE RESPONDENTS:: Mr.B.Narasimha Sharma

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

ORAL ORDER (PER HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (J))

Heard Mr.K.Venkateshvara Rao, learned Counsel
for the Applicant and Mr.Jacob for Mr.B.Narasimha-
Sharma, learned Standing Counsel for the Respondents.

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2. The applicant was appointed as E.D.D.A., Maddipadu Sub Office of Ongole West Sub Division with effect from 1-5-1970. However, he was put off from duty by Memo No.PF/EDDA/Maddipadu, dated:8-11-1994 issued by the Sub Divisional Inspector, Postal, Ongole West. He submits that the said put off duty Order was not given effect and the post of EDDA, Maddipadu was re-designated as EDMC, Peddakothapalli and the applicant was continued therein and the applicant worked as such from 9-11-1994 to 30-11-1994.

3. The applicant submits that the first respondent issued a letter No.PF/EDDA/Maddipadu, dated:30-11-1994 restoring the status-quo ante with regard to designation of the applicant as E.D.D.A. The applicant submits that, he tendered his resignation to the post of EDDA on 18-1-1995. The Respondent No.1 had not accepted the said resignation and the applicant had also not pressed for acceptance of the said resignation in view of the changed circumstances.

4. The applicant applied for leave during the year 1996, but however, the same was not sanctioned. The applicant again applied for leave from 3-3-1997 to 8-3-1997, and one Sri G.Ramanjaneyulu was placed as a substitute. The applicant submits that the said substitute did not attend the duties properly. The applicant applied for extension of time ^{leave} from 10-3-1997 to 28-3-1997. The Respondent No.1, however

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placed the applicant under put off duty from 15-3-1997, vide Memo No.PF/EDDA/Maddipadu, dated: 15-3-1997, and no copy was endorsed to the second respondent. The applicant submits that, he was ^{the} away from Head Quarters during the leave period and his substitute was not discharging his duties. Hence, the applicant submits that it is open to the respondents to appoint another suitable person in his place. However, the respondents issued impugned Memo bearing No.PF/EDDA/Maddipadu, dated:7-3-1997, accepting the resignation tendered by the applicant way back on 18-1-1995 after lapse of more than two years by adopting coercive methods.

5. Hence, he has filed this OA to call for the records relating to Memo No.PF/EDDA/Maddipadu, dated: 7-3-1997, issued by the Sub Divisional Inspector(P), Ongole West, Sub Division, by declaring that the applicant is entitled to be treated as on duty and quash the letter dated:7-3-1997.

6. By an Interim Order dated:25-6-1997, the respondents were directed to continue the applicant on duty as EDDA, Maddipadu, until further orders. By virtue of this Interim Order, the applicant has been continuing as EDDA.

7. The respondents have filed their reply stating that, when he applied for leave on medical grounds

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during March, 1997, and thereafter remained absent. The applicant requested the authorities to accept his resignation tendered by him on 18-1-1995 through his statement given before the Respondent No.1 on 29-3-1997. Accordingly, the respondent no.1 accepted the resignation, vide impugned Memo No. PF/EDDA/Maddipadu, dated: 7-3-1997. Thus the applicant himself expressed his inclination to resign from the post. The allegation that the respondent no.1 forcibly accepted the resignation of the applicant is not correct. They submit that the applicant was put off from duty, vide Memo dated: 8-11-1994, but the said Order was not given effect to. Thus they submit that, it is only at the instance of the applicant they accepted the resignation tendered by him on 18-1-1995. The respondents also allege irregularities on the working of the applicant because of that irregularities they ^{feel} ~~was~~ that he is not a fit person to continue.

8. During the course of argument, the learned Counsel for the Applicant submits that the respondent no.1 could not have accepted the resignation tendered by him on 18-1-1995, but however, he could not state any rule position regarding at the acceptance of his resignation belatedly. Further the respondents have stated the circumstances under which the applicant demanded the respondent-authorities to accept his resignation submitted on 18-1-1995. The respondents have also explained certain circumstances which go to

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show that the performance of the duty by the applicant was not upto their satisfaction. We do not wish to go into the details of those aspects but, however, the applicant, if so advised, may submit an appeal against the impugned Order dated:7-3-1997, by which his resignation was accepted, to the Respondent No.2 within a period of One month from the date of receipt of a copy of this Order. Till his appeal is disposed of, the Interim Order dated:25-6-1997 will be continued.

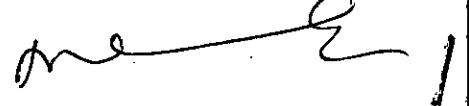
If the Order is going to be adverse to the applicant, that Order ^{shall} will be implemented after a passage of One week from the date of issue of that Order.

9. The OA is ordered accordingly. No costs.


(B.S.JAI PARAMESHWAR)

MEMBER (JUDL)

21/2/99


(R.RANGARAJAN)

MEMBER (ADMN)

DATED: this the 2nd day of February, 1999

Dictated to steno in the Open Court

DSN



1/2/99
1st and 2nd Court.

Copy to:

1. HON. J.
2. HHRP M(A)
3. HSSJP M(J) ✓
4. A.R. (A) ✓
5. SPARE ✓

Typed By
Compared by

Checked by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

THE HON'BLE MR. JUSTICE D. H. MASIR:
VICE - CHAIRMAN

THE HON'BLE H. RAJENDRA PRASAD
MEMBER (A)

THE HON'BLE R. RANGARAJAN
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESHWAR
MEMBER (J)

DATED: 2-2-99

ORDER/JUDGMENT

M.A./R.A/C.P.NO.

IN
D.A.NO : 767/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED:

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

(7 copies)

