

Central Administrative Tribunal, Principal Bench

Original Application No. 1568 of 2003

New Delhi, this the 14th day of July, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.K. Naik, Member(A)

Kiran Chand Sharma,
Class IV Canteen Bearer
S/o late Shri R.S. Sharma,
R/o F-33, Lado Sarai
Mehrauli, New Delhi-30

.... Applicant

(By Advocate: Shri Pankaj Kumar, proxy for Shri S.K. Sinha)

Versus

1. The Chief Secretary,
Govt. of NCT of Delhi,
I.P. Sachivayala,
New Delhi
2. The Medical Superintendent,
Lok Nayak Hospital,
New Delhi-2

.... Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicant was appointed in the departmental canteen of Lok Nayak Jaiprakash Narayan Hospital, New Delhi. He was a bearer. According to him, he was harassed by the Canteen Manager against whom he was a witness in the vigilance enquiry. Because of the extreme torture, the applicant submitted his resignation and as per his own assertion, left for his hometown Bihar. He remained under treatment. The details regarding the same, we are not going into for purposes of the present application. Thereafter, the applicant contends that on recovering from illness, he reported the authorities about his joining duties through a letter. He was intimated that his resignation was accepted w.e.f. 20.12.99. The applicant contends that he submitted an appeal to the Medical Superintendent, Lok Nayak Hospital, New Delhi and the same

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has still not been decided.

2. By virtue of the present application, the applicant seeks a direction to treat him on the strength of the departmental canteen as a bearer treating his so-called resignation letter as null and void. He contends that resignation had been withdrawn before it had been accepted.

3. At this stage when rights of the respondents are not likely to be affected, we deem it unnecessary to give a show cause notice while disposing the present application.

4. As per the applicant's own assertion, his appeal is still pending consideration. In that view of the matter, when alternate remedy has not fully been availed of, we dispose of the present application with the only direction that the Medical Superintendent, Lok Nayak Hospital, New Delhi would consider the pending appeal of the applicant and pass a speaking order within six months of the receipt of the certified copy of the present order which should be communicated to the applicant. O.A. is disposed of.

Naik
(S.K. Naik)

Member(A)

/dkm/

Aggarwal
(V.S. Aggarwal)
Chairman