

(2021) 10 CAT CK 0022

In the Central Administrative Tribunal

Case No : Original Application No. 180, 00522 Of 2021

Sreejith S Nair

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 12-10-2021

Acts Referred:

Citation : (2021) 10 CAT CK 0022

Hon'ble Judges : P. Madhavan, Member J; K.V. Eapen, Member (A)

Bench : Division Bench

Advocate : Rekha Vasudevan, N. Anilkumar

Final Decision : Disposed Of

Judgement

P. Madhavan, Member J

1. This Original Application has been filed by the applicant seeking the following reliefs:

"a. Quash Annexure A7 order issued by the 4th respondent to the extent it denies acceptance of the resignation tendered by the applicant as technical resignation and Annexure A13 memo issued by the 4th respondent to the extent it restricts the leave salary to half of the Earned leave at credit of the applicant at the time of his tendering resignation.

b. Declare that the resignation tendered by the applicant is liable to be accepted as technical resignation in view of the stipulations in Annexure A10 Office Memorandum.

c. Direct the respondents to convert the acceptance of the resignation of the applicant from the post of Postal Assistant as technical resignation.

d. Direct the respondents to draw and disburse the retiral benefits of the applicant on his resignation from the post of Postal Assistant including the Gratuity and the remaining portion of the leave encashment of the Earned leave

at credit of the applicant at the time of his tendering resignation, within a short time frame.

e. Alternatively, direct the respondents to consider and pass orders on Annexure A12 representation submitted by the applicant, with the opportunity of being heard, within a short time frame.

f. To grant such other reliefs as may be prayed for and the court may deem fit to grant, and g. Grant the cost of this Original Application. "

2. The brief facts of the case are as follows:

The applicant is aggrieved by the non-acceptance of the resignation tendered by him as technical resignation. The applicant had submitted Annexure A12 representation to 2nd respondent to treat the resignation tendered as Technical, for which no response has been received till date. Hence the applicant has approached this Tribunal praying for the above reliefs.

3. When the matter came up for hearing, it appears that Annexure A-12 representation to treat the Resignation letter of the applicant as Technical Resignation is pending as it is not disposed of by the respondents till date.

4. Adv. Mr.Mr.N.Anilkumar,SCGSC takes notice on behalf of respondents.

5. In view of the pendency of the representation, we hereby direct the respondents to consider Annexure A-12 representation submitted by the applicant in the light of relevant rules and regulations and pass a speaking order within a period of three months from the date of receipt of a copy of this order.

6. Respondents shall also process the gratuity payment of the applicant in the light of relevant rules and regulations within a period of three months.

7. The Original Application is disposed of as above at the admission stage itself.

No costs.