

IN THE HIGH COURT OF JUDICATURE AT HYDERBAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA

PRADERSH

W.P.No.34681 of 2013

Between:

Union of India
Central Research Institute for Dry Land Agriculture
Indian Council of Agricultural Research
Santhosh Nagar, Saidabad,
Hyderabad- 500 059

.....Petitioner

And:

1. J. Mani Babu, S/o. J.B. Swamy, R/o. 9-3/15, Sidanthi Village,
Samshabad Mandal, Ranga Reddy District and another.

..... Respondents

JUDGMENT PRONOUNCED ON :

HON'BLE SRI JUSTICE : V. RAMASUBRAMANIAN

AND

HON'BLE SRI JUSTICE : G. SHYAM PRASAD

1. Whether Reporters of local
Newspapers may be allowed to see
the Judgments? : Yes/No.
2. Whether the copies of judgment
may be marked to Law Reporters/
Journals? : Yes/No
3. Whether their Ladyship/Lordship
wish to see the fair copy of the
judgment? : Yes/No

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE G. SHYAM PRASAD

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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE G. SHYAM PRASAD

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ORDER: (per V. Ramasubramanian, J.)

The Union of India has come up with the above writ petition, challenging an order of the Central Administrative Tribunal allowing the application of the 1st respondent herein and directing his reinstatement into service.

2. Heard Mr. V.R.N. Prashanth, learned Standing Counsel for the Union of India and Mr. J. Sudheer, learned counsel for the 1st respondent.

3. The 1st respondent herein was originally appointed as a skilled Technical Assistant on 18.10.1997 in the Central Research Institute for Dry Land Agriculture on a consolidated pay. He continued in the same position for about 13 years, after which, he was selected and appointed as Field Technician by an order dated 27.01.2010. This appointment was on regular basis in a time scale of pay.

4. But unfortunately, the 1st respondent gave a letter of resignation on 31.12.2012. This resignation appears to have been accepted by the petitioner-institution on 07.01.2013.

5. Within a month of acceptance of the resignation, the 1st respondent filed an application in O.A.No.223 of 2013 on the file of the Central Administrative Tribunal challenging the letter of acceptance of resignation and seeking reinstatement. By an order dated 05.11.2013 the Tribunal allowed the application on the ground that the resignation does not appear to have been submitted by the 1st respondent out of free will

and a clear mind. The Tribunal held that the reasons stated in the letter of resignation were artificial and unsubstantiated and that therefore there was no reason as to why the respondent could have resigned within three years of getting regularly appointed in an organisation where he had earlier worked for 13 years on temporary basis. In that view of the matter, the Tribunal set aside the letter of acceptance of resignation and directed the petitioner to take him back into service within one month. Aggrieved by the said order, the institution is before us.

6. Unfortunately for the 1st respondent, the fact that the letter of resignation is written in the hand writing of the 1st respondent is admitted by him and the fact that it bears his signature is also admitted by him. There was no evidence to show that there was any compulsion upon the 1st respondent to submit the letter of resignation. It is also not the case of the 1st respondent that he withdrew the letter of resignation before it was accepted. The Tribunal has wrongly taken exception to the acceptance of resignation by the petitioner within seven days. We do not know how such a logic can be applied. To say that the letter of resignation dated 31.12.2012 had been accepted hastily on 07.01.2013, defies logic.

7. It may be true that the 1st respondent was not in the proper frame of mind when he submitted his letter of resignation. But in such a case, he must have collected himself within a day or two and submitted a request for withdrawal of resignation before it was accepted. The 1st respondent failed to do the same. The Tribunal has placed reliance upon the decision of the Supreme Court in Ravinder Singh v. State of Madhya Pradesh and ors.¹. But that case related to the withdrawal of

¹ 1995 (2) SLR 424

resignation, much before the acceptance of resignation was conveyed to him. A case where an employee pleads withdrawal of resignation before its acceptance or before the communication of its acceptance stands on a different footing from a case where there was not even a plea of withdrawal of resignation. Hence the order of the Tribunal is not in accordance with law and liable to be set aside.

8. Mr. J. Sudheer, learned counsel for the 1st respondent made a passionate appeal that the petitioner belongs to the Scheduled Caste and got a regular employment in the very same organisation after 13 years of temporary service and that some sympathy should be shown to him for doing probably an act of indiscretion.

9. We have no doubt in our mind that at times many persons act impulsively, due to various reasons. But unfortunately hard cases cannot make bad law. All that we can do is only to request the petitioner-institution to reconsider his case, since the resignation is not a bar for fresh employment. Therefore, the writ petition is disposed of setting aside the order of the Tribunal, but directing the petitioner to examine the case of the 1st respondent sympathetically to see if he can be rehabilitated. Orders may be passed, after such examination, within a period of eight weeks.

10. As a sequel, pending miscellaneous petitions, if any, in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE V. RAMASUBRAMANIAN

JUSTICE G. SHYAM PRASAD

Date:

Js

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.34681 of 2013



Date:

Js.