

216 RA-CW-211-2018 (O&M) In CWP-17201-2018

DHEERAJ KUMAR YADAV
VS
THE EDUCATION TRIBUNAL GURUGRAM AND ORS

Present: Mr. Aman P. Jain, Advocate
for the applicant/petitioner.

Mr. Varun Sharma, Advocate
for respondent Nos. 2, 4 & 5.

1. On hearing the review applicant and on perusing the judgment cited by Mr. Jain, that is, Punjab National bank Vs. P.K. Mittal, AIR 1989 SC 1083, I find no valid reason to interfere with the order of the Educational Tribunal or to review my order dated 17.07.2018.

2. The petitioner submitted his resignation on 08.04.2016 stating that he may be relieved after three months. Accordingly, the petitioner was relieved on 07.07.2016 i.e. after three months. However, on 14.05.2016 he made an application to the “Defence Minister of Haryana” (sic, Government of India) explaining the circumstances which led him to tender his resignation from service. A long story is recounted. The petitioner could have done so by writing a letter to the Principal of the Sainik School stating that he wants to withdraw his resignation. He withdrew his resignation vide letter dated 19.06.2016 addressed to the Chairman of the Board of Governors, Sainik Schools Society.

3. Learned Tribunal has assigned the following reasons to

dismiss the appeal of the petitioner:

“Needless to say, Chapter-VII of Sainik Schools Society Rules and Regulations, contains the rules regarding terms and conditions of service and as per Rule 7.7, any permanent member of staff may, at any time, resign his post after giving three months notice of the Principal in writing or offering to surrender three months salary in lieu of notice period. Then Rule 10.20 provides the procedures for appeal/representation/complaints etc. and as per Rule 10.20 (a) all those appeals and representations must be addressed appropriately to the Superior authority which in the present case, was the Chairman, Local Board of Administration and then there is another Appellate Authority known as the Chairman, Board of Governors, Sainik Schools Society and this it is apparent that an appeal against the order of the principle lies to the Chairman that too through proper channel, which means through the principal itself, who is supposed to forward it to the appellate authorities with his comments and report, along with some more

requirements detailed in that rule. However, in the present case there was no adverse order against the conditional resignation as per the appellant but was a resignation for all intent and purposes, was accepted unconditionally and order was communicated to him. But the appellant opted to file a appeal-cum-representation to Hon'ble Minister, who was not competent authority and thus that representation itself is not lawfully filed and forwarding its copy to respondent No.2 will not serve any purpose. Then when in the representation itself, the appellant has not withdrawn the resignation, how sending its copy can be treated so as observed above.”

4. These are sound reasons assigned to reject the appeal and I endorse them and have nothing to add. Accordingly, there is no merit in the review application and the same is dismissed.

17.05.2019
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(RAJIV NARAIN RAINA)
JUDGE