

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI**  
**BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 202 OF 2018**

DIST. : AHMEDNAGAR

Shri Ashok s/o Rohidas Khandagale,  
Age. 34 years, Occ. Service (Private),  
R/o Siddhi Vinayak Niwas,  
Angha Row Housing Colony  
(Devgakar Construction)  
Survey no. 4/1 B-7, Plot no. 22 to 2/6,  
Dhavan Vasti, Tapwan Road,  
Bhistbagh Ahmednagar.

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**APPLICANT**

**VERSUS**

1. The State of Maharashtra,  
Through : Secretary,  
Skill Development & Entrepreneurship  
Department, Mantralaya, Mumbai – 32.
2. The Chairman,  
Regional Selection Committee and  
Assistant Director, Vocational Education  
And Training Institute, Regional Office,  
Aurangabad, Near Bhadkalgate,  
Tapal Box no. 77, Aurangabad.
3. The Vocational Training Centre,  
Through its Principal, Fulambre,  
Tq. Fulambri, Dist. Aurangabad. --

**RESPONDENTS**

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APPEARANCE :- Shri S.R. Sapkal, learned Advocate for  
the applicant.  
: Smt. Sanjivani Deshmukh Ghate, learned  
Presenting Officer for the respondents.

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**CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN  
AND  
ATUL RAJ CHADHA, MEMBER (A)**

**DATE : 22<sup>nd</sup> January, 2019**

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**JUDGMENT**

*(Per : Justice M.T. Joshi, Vice Chairman)*

1. Heard Shri S.R. Sapkal, learned Advocate for the applicant and Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondents.

2. By filing present Original Application, the applicant is claiming following reliefs :-

*C) By appropriate order or direction in the like nature, the impugned order dated 18.12.2015 passed by the respondent No. 2 thereby accepting the resignation of the applicant retrospectively, may kindly be quashed and set aside.*

*D) By appropriate order or direction in the like nature, the respondents may please be directed to reinstate the present applicant in service with all consequential benefits.*

3. The facts on record would show that the present applicant sought to resign from the post of Tool & Dia-maker (Craft Instructor) to the respondent no. 3 vide his resignation application dtd. 26.11.2015. Thereafter on 5.12.2015, the applicant sent another letter for withdrawal of his resignation application. Ultimately on 18.12.2015 (Annex. A. 7 page 30) the res. no. 2

accepted the resignation of the applicant. Though in the said acceptance letter reference of application of the applicant for withdrawal of his resignation is made at item no. 6, no decision on the said withdrawal application appears to have been taken by the concerned respondent.

4. General guidelines issued by the State Government dtd. 2.12.1997 (page 36) and more particularly para 2 (d) (2) & (3) thereof (pages 38 & 39) would show that in case Government employee requests for withdrawal of resignation letter, the concerned authorities are required to take a decision on the same. It is further directed that in case it is found that there is history of filing resignation applications by the concerned employee, the withdrawal of the resignation of the said employee shall not be permitted.

5. Reading of affidavit in reply would show that the res. no. 2 has not at all taken into consideration the application of the applicant for withdrawal of his resignation and no decision was rendered thereon on the line of general guidelines issued by the State Government on 2.12.1997 and more particularly on the line of clause 2(d)(2)&(3) thereof (supra). Learned P.O. submits that, in fact, res. no. 2 had communicated to the res. no. 3 regarding resignation application of the applicant and ultimately it is

accepted. It is, however, to be noted that without applying mind to the application of the applicant for withdrawal of his resignation application, the impugned decision has been rendered by the concerned respondent against the guidelines issued by the State Government.

6. In the circumstances, the impugned order dtd. 18.12.2015 issued by the res. no. 2 cannot be sustained. Learned Advocate for the applicant submits that in case the present O.A. is allowed and the res. no. 2 is directed to take a fresh decision in the present matter, the applicant would not claim any monetary benefits of the period during which he was out of employment. In the circumstances, we pass the following order :-

### **ORDER**

- (a) The present Original Application is allowed and disposed of without any order as to costs. The impugned order dtd. 18.12.2015 (Annex. A. 7 page 30) issued by the res. no. 2 is hereby quashed and set aside.
- (b) The res. no. 2 is hereby directed to take a fresh decision on the application of the applicant dtd. 5.12.2015 within a period of 3 months from the date of this order and pass a necessary order regarding acceptance or non-acceptance of

the resignation application of the applicant according to law and communicate the order to the applicant in writing.

**(ATUL RAJ CHADHA)**  
**MEMBER (A)**

**(M.T. JOSHI)**  
**VICE CHAIRMAN**

**Place : Aurangabad**  
**Date : 22.1.2019**

ARJ-O.A.NO. 202-2018 D.B. (RESIGNATION)