



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF MARCH, 2025

PRESENT

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

AND

THE HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

WRIT PETITION NO. 3244 OF 2021 (S-KSAT)

BETWEEN:

SRI. NAGRAJ
S/O R. RAMAIAH
AGED ABOUT 51 YEARS
NO.535, 18TH G CROSS
1ST BLOCK, R.T.NAGAR
BANGALORE-560 032

...PETITIONER

(BY SRI. A. GOPIPRAKASH, ADVOCATE)

AND:

1. THE SECRETARY
GOVERNMENT OF KARNATAKA
DEPARTMENT OF IRRIGATION
M.S.BUILDING, BANGALORE-560 001.
2. THE CHIEF ENGINEER
OFFICE OF THE CHIEF ENGINEER
COMMUNICATION AND STRUCTURE (SOUTH)
BANGALORE-560 001.
3. UNDER SECRETARY
GOVERNMENT OF KARNATAKA
DEPARTMENT OF WATER RESOURCES (SERVICE-B)
KARNATAKA GOVERNMENT SECRETARIAT
VIKASA SOUDHA, BANGALORE-560 001.



4. THE CHIEF ENGINEER
CAUVERY NIRAVARI NIGAMA LTD
OFFICE OF THE CHIEF ENGINEER
IRRIGATION (SOUTH) ZONE
PUBLIC OFFICES BUILDING,
NEW SAIYAJI ROAD, MYSORE-570 024.

...RESPONDENTS

(BY SRI. B.J. ESWARAPPA, AGA FOR R1 TO R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT ORDER OR DIRECTION IN THE NATURE OF WRIT OF CERTIORARI QUASHING THE IMPUGNED JUDGMENT PASSED BY THE HON'BLE KARNATAKA ADMINISTRATIVE TRIBUNAL DATED 18.12.2020 VIDE ANNEXURE-A AND ISSUE A WRIT ORDER OR DIRECTION IN THE NATURE OF THE WRIT OF MANDAMUS DIRECTING THE RESPONDENT NO-3 TO CONSIDER THE REPRESENTATION DATED 13.12.2010 VIDE ANNEXURE-F FOR THE POST OF THE ASSISTANT ENGINEER.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE KRISHNA S DIXIT
and
HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

ORAL ORDER

(PER: HON'BLE MR JUSTICE KRISHNA S DIXIT)

Petitioner is aggrieved before the Writ Court against the State Administrative Tribunal's order dated 18.12.2020 whereby his application No.5235/2017 has been negated. He was complaining before the Tribunal that the respondents have grossly erred in accepting his resignation letter dated 16.07.2009 on 23.02.2011 when in the interregnum vide letter



dated 13.12.2010 he had sought for withdrawal of the request for resignation.

2. Learned counsel for the petitioner vehemently argues that law relating to resignation is well settled by now; ordinarily every employee will have a right to apply for resignation unless otherwise provided by the Service Rules; The Service Rules regulate applying for and acceptance of resignation; the Apex Court in a catena of decisions has observed that an employee can withdraw the resignation letter at any time before it is accepted, unless the rules otherwise provide for; the resignation letter having been withdrawn, there was nothing which the Government could accept on 23.02.2011 and therefore, the impugned order of the Tribunal as also Government's acceptance of the resignation are liable to be voided.

3. Learned Additional Government Advocate appearing for the official respondents vehemently oppose the petition, making submission in justification of the Tribunal's order and the order of the Government accepting resignation. He submits that ordinarily an employee is entitled to withdraw the request for resignation at any time before it is accepted. However, if



the employee after submitting the resignation letter goes away from the employment once for all, such an ordinary norm would not be invocable, because of the conduct that animates the request for resignation.

4. Having heard the learned counsel for the parties and having perused the petition papers, we declined indulgence in the matter broadly agreeing with the reasoning of the Tribunal.

"Law relating to resignation can be summarized; An employee can apply for resignation at any time... he can withdraw the resignation request at any time before it is accepted unless the rules otherwise provide and subject to modalities."

The Apex Court has held that even after acceptance, resignation may be permitted to be withdrawn subject to exceptions if a concrete case is made out.

5. The above ordinary rule position would not come to the aid of petitioner inasmuch as after submitting the resignation letter on 16.07.2009 he vanished away from the employment, once for all. He made an application for withdrawal only on 13.12.2010 *i.e.*, after more than a year reckoned from the date of request. However, the resignation was accepted on 23.02.2011. This we would have faltered, had



the petitioner continued in employment. However, his conduct shows that very knowledgably and intentionally he had resigned and therefore, he went away from the employment by abandoning it. Absence of an employee from the seat or post in public employment would create lot many difficulties, needs no research.

In the above circumstances, petition is dismissed.

Costs made easy.

**Sd/-
(KRISHNA S DIXIT)
JUDGE**

**Sd/-
(RAMACHANDRA D. HUDDAR)
JUDGE**

AM

List No.: 1 Sl No.: 19