



2025:AHC:178485

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 17103 of 2024

Surendra Kumar Meena

.....Petitioner(s)

Versus

Union Of India And 4 Others

.....Respondent(s)

Counsel for Petitioner(s) : Dinesh Kumar Singh

Counsel for Respondent(s) : Birendra Prasad Maurya, A.S.G.I.,
Sarveshwar Lal Srivastava

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. Heard Mr. Dinesh Kumar Singh, learned counsel for the petitioner, Mr. Birendra Prasad Maurya, learned counsel for the respondents and perused the records.

2. The present writ petition has been filed with a prayer to direct the respondent no.4 to decide the representation dated 25.12.2023 of the petitioner within specified period as well as further prayer to direct the respondents authorities to restore the petitioner to the post of Overseer Grade C at Northern Coal Field Limited Kakri Project.

3. Learned counsel for the petitioner submits that the petitioner was selected and appointed on 10.03.2022 on the post of Overseer, Grade C in Northern Coalfields Limited, Kakri Project through direct recruitment. He discharged his duties sincerely and honestly, to the utmost satisfaction of his superior officers and there being no complaint or adverse remarks against him. Subsequently, the petitioner secured appointment as a Junior Engineer in the Indian Railways and, accordingly, submitted an application for technical resignation on 20.11.2023 before the General Manager, Kakri Project, NCL. The said application was accepted by order dated 20.12.2023, wherein it was stated that the technical resignation had been approved by the competent authority, and the resignation order was accordingly issued by the Staff Officer, Kakri Area. However, the petitioner, having not been satisfied with the new posting, submitted an application dated 25.12.2023 before respondent no.4 with a prayer to

reinstate him back in service to his previous post of Overseer, Grade C, at Northern Coalfields Limited, Kakri Project. He also submitted a representation in this regard.

4. He further submits that as per the Office Memorandum dated 17th August, 2016, wherein provisions relating to technical resignation have been clearly laid down, in cases of technical resignation, the lien on the previous post is retained for a period of two or three years, as the case may be, in terms of Clause 3.3 of the aforesaid Office Memorandum. In accordance with the said provision, the petitioner moved an application requesting the original department, i.e., Northern Coalfields Limited, Kakri Project, to accept him on the post of Overseer Grade C within the time period as specified in the relevant memorandum. The representation of the petitioner was not decided, therefore, the present writ petition has been filed.

5. On the other hand, a counter affidavit has been filed by the learned counsel for the respondents stating that as per the Standing Orders of Northern Coalfields Limited, which came into effect on 7th August, 1991, once a person resigns, he cannot be reinstated in the department. He further submits that the provision of technical resignation applies only to executive posts.

6. He further submits that as per the Office Memorandum No. 28020/1/2010-Estt(C) dated 17.08.2016, Para 2.1.2, the government servant should intimate the details of such application immediately upon joining and at the time of resignation, the government servant should specifically state that he is resigning to take up another appointment under the Government, for which he had applied before joining the Government service and the authority accepting the resignation should satisfy itself that had the employee been in service on the date of application for the post referred to, his application would have been forwarded through proper channel. Thus, the resignation of the petitioner does not qualify as a technical resignation. Furthermore, the petitioner's services are governed by the Certified Standing Orders of the company, which do not provide for technical resignation without the prior approval of the competent authority and without following the due process of law. The petitioner's services have been terminated from the company, and

therefore, he is not entitled to be reinstated to the post of Overseer Grade C in Northern Coalfields Limited.

7. Heard learned counsel for the parties and perused the records.

8. It is not disputed that the Office Memorandum dated 17.08.2016 is applicable to all government servants. In the aforesaid memorandum, there is no mention that only the persons holding executive posts are eligible for technical resignation. Accordingly, as per the Clause 3.3 of the said Office Memorandum dated 17.08.2016, concerning the retention of lien for appointments in another Central Government or State Government office, an employee retains lien on the post for a period of two years or three years in exceptional cases and during this period, the employee may revert back to the original department, in accordance with law.

9. It is also not disputed that the petitioner had submitted an application for technical resignation, which was duly approved in accordance with law, as is evident from the order dated 20.12.2023. Once the technical resignation is accepted as per the Office Memorandum dated 17.08.2016, the petitioner is also entitled for reversion in the original department within a period of two years from the date of such resignation. In the present case, the petitioner, immediately, moved an application for reversion merely five days after the acceptance of his technical resignation. Therefore, he is entitled to be reverted to his original post in Northern Coalfields Limited, Kakri Project.

10. As regards the Standing Order as placed by the learned counsel for the respondents, the same pertains to resignation and not to technical resignation. The Standing Orders mention about the terms and conditions of government servants and the fact that the Office Memorandum dated 17.08.2016 is applicable to government servants, does not specify anywhere about its applicability to either executive or non-executive posts.

11. In view of the above, the writ petition succeeds and is **allowed**. The respondent no.4, i.e. The Area General Manager Kakri Project, Northern Coalfields Limited, Sonbhadra, U.P., is directed to permit the petitioner to

join on the post of Overseer Grade C in Northern Coalfields Limited, Kakri Project, within a period of four weeks from the date of production of a certified copy of this order.

(Mrs. Manju Rani Chauhan,J.)

October 8, 2025

Jitendra/-