



2026:CGHC:24010

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4184 of 2022

1 - Deepkishore Verma S/o Shri Sunil Kumar Verma Aged About 24 Years R/o Quarter No. Type 2/13, C.M.P.F. Colony, Rajkishore Nagar, District- Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

... Petitioner(s)

versus

1 - Union Of India, Through Secretary, Ministry Of Home Affairs, New Delhi, Pin- 110001, District : New Delhi, Delhi

2 - Directorate General, Sashastra Seema Bal, Force Head Quarter R.K. Puram Block-V(East), New Delhi-66, District : New Delhi, Delhi

3 - The Commandant 19th Battalion Sashastra Seema Bal, Thakurganj, P.O. Thakurganj, District- Kishanganj, Stateof Bihar, Pin 855116, District : Kishanganj, Bihar

4 - Dy. Commandant/ Adjutant, 19th Bn. S.S.B. Thakurganj, State Of Bihar, Bihar

... Respondent(s)

For Petitioner	:	Ms. Shakshi Gupta, Advocate holding the brief of Ms. Renu Kochar, Advocate
For Union of India	:	Mr. Abhishek Banjare, Dy. S.G.

Hon'ble Shri Justice Rakesh Mohan Pandey
Judgment On Board

16.6.2026

1) The petitioner has filed this petition seeking the following reliefs:

“10.1 That the Hon'ble Court may kindly be pleased to issue writ in the nature of certiorari and quash order dated 06.05.2022 (Annexure P/1).

10.2 That the Hon'ble Court may kindly be pleased to issue writ in the nature of mandamus directing respondent authority to permit petitioner to Join BRTC Training.

10.3 That this Hon'ble court may kindly be to direct the respondent authority to reinstate the Petitioner to the post of Constable/GD and shall provide all such benefits that are enjoyed by the virtue of his position as Constable/GD in SSB.

10.4 That the Hon'ble Court may kindly be pleased to issue writ in the nature of mandamus to refund the salary of three months i.e Rs. 1,27,749 Annexure P/ which has been paid by petitioner on 10.1.2022 Further respondent may be directed to pay salary from 4.04.2022 to 6.05.2022 in the interest of justice.

10.5 That this Hon'ble court may be further pleased to pass any other consequential and other orders/ writs which this Hon'ble court deems just and proper in the facts and circumstances of the case.”

2) The facts, in brief, are that the petitioner was appointed on the post of Constable (General Duty) in the Sashastra Seema Bal (SSB) vide order dated 13.3.2021 who joined services on 18.7.2021. The petitioner reported the Commandant of the said Battalion on 21.7.2021. The petitioner tendered his resignation on 21.12.2021, which was accepted by the Competent Authority on

10.1.2022. Thereafter, the petitioner moved an application for withdrawal of his resignation on 21.3.2022, which was accepted by the Competent Authority on 5.4.2022, and the petitioner was directed to immediately report to the 19th Battalion, SSB, Thakurganj, to resume his duties. In pursuance thereof, he resumed his services on 20.4.2022. Thereafter, respondent No.4 withdrew the order dated 5.4.2022 vide order dated 21.4.2022 on the ground that the provisions relating to withdrawal of resignation are not applicable to temporary Government servants. The petitioner has challenged the said order by filing the present petition.

- 3)** Learned counsel for the petitioner would submit that the application submitted by the petitioner for withdrawal of his resignation was accepted by the Competent Authority vide order dated 5.4.2022, and the petitioner was permitted to resume his duties. She would further submit that the said order has already been executed and the petitioner had worked for about 15 days. Thereafter, order dated 6.5.2022 was passed, whereby the order accepting the withdrawal of resignation was recalled on the ground that there is no provision for withdrawal of resignation by a temporary Government servant. She would further submit that an executed order cannot be cancelled without affording due opportunity of hearing. It is also contended that the petitioner was appointed against a sanctioned and vacant post in accordance with the applicable service rules and, therefore, his services could

not have been terminated without following due process of law. She would, therefore, pray to allow the present petition.

- 4) On the other hand, learned Deputy Solicitor General would oppose the submissions made by counsel for the petitioner. He would submit that the petitioner was a temporary employee and therefore, his case with regard to withdrawal of resignation was not covered with the applicable service rules. It is further contended that the Government of India, Ministry of Personnel, Public Grievance and Pension Department of Personnel & Training issued an Office Memorandum dated 10.6.2019, wherein it was specifically stated that the provisions relating to withdrawal of resignation shall not be applicable to temporary Government servants. He would further contend that although the application for withdrawal of resignation was initially accepted by the Competent Authority, the mistake was later brought to the notice of the Competent Authority and consequently, the order dated 5.4.2022 was recalled. He would submit that the petition is misconceived and deserves to be dismissed.
- 5) I have heard learned counsel for the parties and perused the documents placed in the file.
- 6) The petitioner submitted his application for the post of Constable (GD) pursuant to advertisement issued on 13.3.2021. He participated in the recruitment process and qualified the examination. Consequently, an order of appointment was issued

on 13.3.2021. The petitioner was appointed in accordance with the provisions of the Sashastra Seema Bal (SSB) Act 2007 and the Rules of 2009, and was placed on probation for a period of three years. Although it was mentioned in the order of appointment that the appointment of the petitioner was purely temporary, it cannot be presumed that he was not a Government servant. The petitioner tendered his resignation on account of some personal problems before the Competent Authority on 21.12.2021, which was accepted on 10.1.2022. Thereafter, the petitioner submitted an application for withdrawal of resignation on 21.3.2022, which was accepted by the Competent Authority on 5.4.2022. Pursuant thereto, the petitioner was permitted to resume his duties and accordingly rejoined service on 20.4.2022. After the petitioner had resumed his duties, the impugned order, Annexure-P/1, came to be passed by the Office of the Commandant, 19th Battalion, SSB, Thakurganj on 6.5.2022. The reason assigned in the impugned order is that there exists no provision for withdrawal of resignation by a temporary Government servant. A conjoint reading of the order of appointment and the office memorandum dated 10.6.2019 would reveal that the petitioner was appointed on a temporary basis and therefore, technically had no right to seek withdrawal of his resignation. However, the application moved by the petitioner for withdrawal of resignation had already been accepted by the Competent Authority and he had been permitted to resume his

duties. Therefore, the respondent authorities committed an error of law in canceling an already executed order.

7) Even though the petitioner was a temporary Government servant, he had been appointed in accordance with the provisions of the Act of 2007 and the Rules of 2009 and therefore, before cancelling the order of removing the petitioner from service, the authority concerned ought to have afforded him due opportunity of hearing or followed the procedure prescribed under the Act and Rules for removal from service or cancellation of appointment. It is a well-settled principle of law that an executed order cannot ordinarily be cancelled without following due process.

8) Taking into consideration the aforesaid facts and circumstances of the case, the impugned order Annexure – P/1 is hereby quashed. The petitioner shall be reinstated in service forthwith, however, the respondent authorities would be at liberty to initiate the proceedings with regard to cancellation of the order accepting withdrawal of resignation, if so advised, strictly in accordance with the applicable service rules.

9) Accordingly, the writ petition stands allowed.

Sd/-

(Rakesh Mohan Pandey)
JUDGE