

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17001 of 2015

Amrendra Singh Son of Late Chandeshwar Prasad Singh, Resident of Ram Krishna Prasad Path, Kadamkuan, Patna at present on deputation to National Highway Authority of India, New Delhi as Manager (Vigilance)

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Road Construction Department, Vishwasaraiya Bhawan, Patna
2. The Principal Secretary, Road Construction Department, Vishwasaraiya Bhawan, Bailey Road, Patna
3. National Highways Authority of India, through Dr. General Manager (H R/Admn.- II) Ministry of Road Transport and Highways G-526, Sector- 10, Dwarka, New Delhi

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 17570 of 2015

Rajiv Nayanam Son of late Janardan Prasad sharma Resident of Quammruddin Ganj, Bihar Sharif, Naland at present on deputation to National Highway Authority of India ,New Delhi as Manager (Technical)

.... Petitioner/s

Versus

1. The State of Bihar , through Principal secretary, Road construction Department, Vishwasaraiya Bhagwan Patna.
2. The Principal Secretary, Road Construction Department , Vishwasaraiya Bhagwan, Patna.
3. The Director, National Highway Authority of India, through Dy. General Manager(H R /Admn-II) Ministry of Road Transport and Highways G-526, Sector - 10, Dwarka , New Delhi.

.... Respondent/s

Appearance :

(In CWJC No. 17001 of 2015)

For the Petitioner/s : Mr. Rana Pratap Singh
For the Respondent/s : Mr. Harish Kumar- GP32

(In CWJC No. 17570 of 2015)

For the Petitioner/s : Mr. Rana Pratap Singh
For the Respondent/s : Mr. AAG2- D.K. Sinha

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 27-11-2015

27.11.2015

Heard learned counsel for the petitioners and counsel for the State.

Both the writ applications have been heard together as common question of fact and law has been raised, seeking identical relief, therefore, they are disposed off also by a common order.

In terms of the previous direction of this Court, the Principal Secretary has passed a very clear and categorical order, which is in conformity with the rules relating to voluntary resignation from service by a State Government's employee. An offer was made to the petitioner to certify the position, which emerges from the decision taken by the State after consultation with the findings that except for the G.P.F. and 50 percent earned leave, accumulated, nothing-else is payable.

Such a position is a correct position in law. If it is not acceptable to the petitioners, the Court will not prevail upon the decision over and above what has been communicated to the petitioners in terms of Annexure-9. The ball is still in the court of the petitioners. If they have missed the bus or the deadline fixed, i.e., 14.09.2015, they are still free to write a letter in unambiguous terms to the Principal Secretary and if such a letter is received by the Principal Secretary, he shall ensure the

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acceptance of resignation of the two petitioners from the State of Bihar & will be notified within two weeks thereof.

Both the writ applications stand disposed off with observation / direction as above.

(Ajay Kumar Tripathi, J.)

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