

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.36151 of 2015

Dated : 16.11.2015

Between:

Dr. S.Srinivasa Rao

.. Petitioner

And

The Chairman and Managing Director,

The Singareni Coleries Co. Ltd.,

Singareni Bhavan, Red Hills,

Hyderabad, Telangana State.

and another.

.. Respondents

This Court made the following :

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.36151 of 2015

ORDER :

The petitioner in the Writ Petition submits that he joined service as Medical Officer on 03.04.1989 and after 11 years of his service, he offered to resign from service due to some domestic problems, which was accepted by the respondents' authorities on 21.08.2000. At the time of his resignation from service, he was in E-3 grade. However, subsequently, he requested for

reinstatement and said request was considered and fresh appointment was given to him by order dt.13.06.2001 in E-2 grade as General Duty Medical Officer. Petitioner accordingly joined and he is presently working as Medical Superintendent.

2. According to the petitioner, he submitted representation to 1st respondent on 20.10.2015 requesting to consider his past service and treat it as continuous service ignoring the earlier resignation and restore him to E-3 grade and grant consequential benefits. Alleging that no action is taken on his representation, this Writ Petition is filed.

3. Learned counsel for the petitioner submits that though the petitioner initially resigned from service as Medical Officer E-3 grade and joined in E-2 grade as General Duty Medical Officer on his reinstatement, since the management in similar circumstances had considered the case of Dr.V.Indira, who resigned on 22.11.2007 after serving more than three years and joined on 09.07.2008 on her reinstatement, was given promotion to E-4 grade after a short time from the date of her 2nd term appointment and that not extending the same benefit to the petitioner is illegal and arbitrary.

4. Along with the writ petition, copy of the representation dt.20.10.2015 of the petitioner seeking grant of benefits, is filed.

5. Earlier, the matter was adjourned to enable the petitioner to bring on record his earlier request of reinstatement and order of reinstatement, request for restoration into service by Dr.Indira and orders passed thereon, since these are the documents which are crucial to assess the eligibility of the petitioner to his claim. These documents are not placed on record. Even assuming that there is some merit in the claim made by the petitioner, it is not known in what circumstances the request was made by the petitioner for reinstatement into service and the same was acceded by the respondents authorities and orders passed thereon.

6. Ordinarily, when a person offers to resign, the discretion to accept such a request rests with the management and for valid reasons the management decides either to accept or to reject such a request. When such a request for resignation is accepted and an order to that extent is passed, an employee ceases to have any relationship with the employer and on resignation the employee loses entire service rendered including benefits accrued on account of such service.

7. In the instant case, when the petitioner was reinducted into service on a request made by him for employment, the relationship of master and servant starts afresh and can have no relationship with the past service; and when it is a fresh appointment, the question of restoration of past service does not arise.

8. It is not stated by petitioner as to how claim of petitioner is similar to Dr.V.Indira. Even if it is true that claim of petitioner is similar to Dr.V.Indira, such claim appears to be contrary to the fundamental principle that on resignation employee loses all benefits occurred and unless earlier order of resignation is reviewed, past service benefits cannot be counted, and such illegality cannot result in restoration of similar benefit to another person. It is appropriate to note that though the petitioner's request for reinstatement into service was granted in the year 2001, petitioner kept quiet almost for 14 years and a representation is made for the first time in October, 2015 to count the past service. On this count also, the relief sought by the petitioner cannot be granted. Further the relief sought by the petitioner to direct the respondents to consider the representation said to have been made on 20.10.2015 would amount to saving such inordinate delay of 14 years in making such a claim albeit such a claim is valid. It may upset settled issues *vis-à-vis* other employees.

9. Therefore, I do not see any merit in this Writ Petition and it is accordingly dismissed. There shall be no order as to costs.

10. As a sequel, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

P.NAVEEN RAO, J

16th November, 2015.

Note: Issue C.C. in one week.

B/o

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