

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.17063 of 2012 (O&M)

Date of decision: 27.04.2015

Dharam Bir

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Gorakh Nath, Advocate
for the petitioner.

Mr. Keshav Gupta, AAG, Haryana.

AMIT RAWAL J. (Oral)

Challenge in the present writ petition is to the order dated 15.6.2012 (Annexure P-1), passed by the General Manager, Haryana Roadways, Panipat, whereby, the petitioner was allowed to retire voluntarily from Government service after the expiry of stipulated period of three months, in terms of Haryana Government letter No.1/2(27)-79-IFBI dated 01.08.1980 and provisions contained in rule 5.32(B) of Civil Services Rule Volume-II. Though the petitioner vide application dated 17.05.2012 (Annexure P-6) had sought the withdrawal of the application dated 14.2.2012, (Annexure P-2), whereby, he had made a request for voluntarily retirement.

Mr. Gorakh Nath, learned counsel for the petitioner

contends that since the petitioner had submitted an application for withdrawal of his voluntarily retirement from Government service before the acceptance, the respondent-authorities could not have accepted the application, Annexure P-2, for voluntarily retirement of the petitioner

Mr. Keshav Gupta, learned Assistant Advocate General, Haryana for the respondents-State submits that the impugned order is perfectly just, fair and legal in accordance with rules.

I have heard learned counsel for the parties and appraised the paper book.

Since the respondents-authorities, vide order dated 01.03.2012, Annexure P-3, had rejected the request of the petitioner seeking voluntarily retirement from Government service, there was no occasion for the authorities to accept his application, vide impugned order 15.06.2012. There is no dispute with regard to the settled proposition of law that a person is entitled to withdraw his application seeking voluntarily retirement before acceptance, therefore, the impugned order has been passed ignoring the letter dated 01.03.2012, Annexure P-3, therefore, the order dated 15.06.2012 is vitiated in law and the same is hereby quashed .

With the aforementioned observations, the writ petition is allowed.

(AMIT RAWAL)
JUDGE

April 27, 2015
savita