

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

Civil Writ Petition No.6645 of 2010

Date of decision: 6.10.2015

Mandeep Pal Kaur

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.J.S.Bedi, Advocate,
for the petitioner.

Mr.Harkesh Manuja, Addl., AG., Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

There is no law which can compel the Government to force an employee to continue to serve in its department against his/her will unless the person wishing to resign is under disability to tender resignation pending charge sheet or contemplated disciplinary proceedings for misconduct. The petitioner resigned from service on 17.9.2008. Instead of accepting her resignation, the request for resignation was rejected by the Department on 2.1.2009 vide impugned order P-8. It may be mentioned that the petitioner had tendered her resignation giving 24 hours notice. Since the petitioner was serving the Government as a PCMS doctor, she would be aware of the law that wild-Cat resignation at short notice is not accepted by

the rules and the petitioner becomes liable to pay 3 months salary in advance in lieu of notice by depositing the salary with the Government to free her from service.

Mr.Manuja on instructions from Mr.Rajinder Kumar, Senior Assistant present in Court submits that 3 months salary deserves to be put into Government Treasury by the petitioner. His submission has merit and is accepted and the petitioner on deposit of 3 months salary in the Treasury would be relieved of the burden of the impugned order which will stand automatically quashed, the minute the deposit is made from its original date bringing an end to the employment in public service.

Mr.Bedi submits that there is money still lying to the credit of the petitioner which has not been paid to her. If this is true, then the amount representing 3 months salary as on the date of resignation can be deducted from the dues owed to the petitioner by the Government and the balance amount of unpaid severance dues be paid to her within 3 weeks of the date of deposit by adjusting from the principal dues.

With these observations, the petition is allowed. The impugned order stands quashed on fulfillment of the above terms, failing which the petition shall stands revived.

Order **dasti**.

(RAJIV NARAIN RAINA)
JUDGE

October 6, 2015
Paritosh Kumar