

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) No. 7023/2014

% **5th March, 2015**

DALIP KUMAR Petitioner

Through: Petitioner in person.

versus

REGISTRAR GENERAL, NATIONAL GREEN TRIBUNAL

..... Respondent

Through: Ms. Anita Sahani, Adv.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. By this writ petition filed under Article 226 of the Constitution of India, petitioner, who was appointed on probation for a period of two years vide letter dated 4.10.2013, with the respondent-National Green Tribunal, seeks the relief that the respondent should accept the resignation given by the petitioner vide his letter dated 12.9.2014. This resignation letter reads as under:-

“To,
The Hon'ble Chairperson,
National Green Tribunal,
Principal Bench, New Delhi

Sub:- **My resignation on personal grounds.**

Sir,

Due to some of my personal domestic reasons I am not able to continue my service in the National Green Tribunal anymore. Thus, I hereby tender my resignation from the post of Personal Assistant **with immediate effect (12/9/2014).**

The relevant term/clause of my appointment letter is reproduced as under:-

*“The appointment can be terminated at any time by a month’s notice given by either side viz. **the appointee or the appointment authority without assigning any reason**”.*

It is, therefore, requested to relieve me at the earliest from my duties.

Thanking you,

Yours faithfully,

Sd/-

(Dalip Kumar)

Personal Assistant

NGT, CZB Bhopal”

2. The appointment letter of the petitioner dated 4.10.2013 issued by the respondent contains the following relevant clauses:-

“3. xxxxx

(i) The appointment will be made on a temporary basis. The appointee will be on probation for a period of two years from the date of appointment to this post which may be extended by another 2 years at the discretion of any Appointing Authority. On completion of the probation period including extended period, there will be no automatic

confirmation without the specific orders of the Appointing Authority.

(ii) The appointment can be terminated at any time by a month's notice given by either side viz. the appointee or the Appointing Authority without assigning any reason. The Appointing Authority, however, reserves the right of the expiration of the stipulated period in which case the appointee will be entitled to receive payment of a sum equivalent to the pay and allowance for the period of notice or the unexpired portion thereof.” (underlining added)

3. The aforesaid position makes it clear that the respondent cannot force a person to continue to be its employee, more so during the probation period, and in which period, the appointment of the employee can be terminated at any time by one month's notice without giving any reason. Petitioner, who is present in person agrees that one month's pay can be deducted by the respondent and consequently, the resignation of the petitioner be now forthwith accepted.

4. In view of the aforesaid position, which appears on record, the terms of appointment and the fact that petitioner has already given the resignation letter, with the further aspect that the petitioner has made a statement today that respondent can deduct one month's pay, this writ petition is allowed and the petitioner is held to have resigned from the respondent-National Green Tribunal and respondent is legally held to have

accepted the resignation given by the petitioner in terms of his letter dated 12.9.2014, of course with liberty to the respondent to deduct one month's pay of the petitioner.

5. Respondent will now give the letter of petitioner's services coming to an end with the respondent-National Green Tribunal on account of his resignation within a period of three weeks from today. Parties are left to bear their own costs.

MARCH 05, 2015
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VALMIKI J. MEHTA, J.