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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4350 OF 2016

Mrs. Manasi P. Kulkarni ... Petitioner
Vs.
State of Maharashtra and anr. ... Respondents

Mr. Ravindra D. Deshmukh for the Petitioner
Mr. P.P. Kakade, AGP for the State-Respondents..

CORAM : V. M. KANADE, AND
M. S. SONAK, JJ.
DATE : JUNE 08, 2016.

P. C.

1] The challenge in this petition is to the order dated 6 April 2015, made by the Maharashtra Administrative Tribunal (MAT) dismissing the Petitioner's Original Application No. 929 of 2011.

2] We have heard Mr. Deshmukh, learned counsel for the Petitioner and Mr. Kakade, learned AGP for the Respondents. We have also perused the record as well as the impugned order. We are satisfied that the Petitioner has not made out any case warranting interference with the impugned order.

3] The Petitioner on 8 March 2010 submitted her resignation letter alongwith one month salary in lieu of notice period and requested that such resignation be accepted with immediate effect. The GR dated 2 December 1997, *inter alia* provides that if decision with regard to acceptance of resignation is not communicated by the authorities within a period of one month, the resignation is deemed to be accepted. In the present case, by formal communication dated 9 April 2010, the Petitioner was informed that her resignation has been accepted. As on 9 April 2010, it is not even the case of the Petitioner that she applied for withdrawal of resignation. This by itself was sufficient to reject the Original Application No. 929 of 2011 instituted by the Petitioner seeking leave to withdraw the resignation and reinstatement in service with consequential benefits.

4] The Petitioner, however, has come up with the case that the communication dated 9 April 2010 was never received by her. Further, it is also the case of the Petitioner that she was advised to address an undated letter seeking to withdraw her resignation. According to the Petitioner, the petitioner addressed such a letter on 14 July 2010. It is also the case of the Petitioner that since there was no response to this undated letter, the Petitioner addressed representation on 26 May 2011 seeking to withdraw her resignation.

5] There is no record of any undated letter addressed by the Petitioner on 14 July 2010. The impugned order notes that it is only on 26 May 2011, i.e., after the period of almost fourteen months from the date of tender of resignation that the Petitioner, for the first time, tried to withdraw her resignation. Even if any credence is to be given to the address of an undated letter on 14 July 2010, it is quite clear that by that date also, the Petitioner had really lost her right to withdraw the resignation letter. The resignation in the present case was accepted on 8 March 2010 itself or in any case, was deemed to have been accepted within a period of one month from the said date. The communication dated 9 April 2010 was a formal communication to the Petitioner. Even by this date, the Petitioner had not applied for withdrawal of resignation. There is accordingly, no error, much less any error apparent on the face of record in the making of impugned order.

6] This petition is therefore, dismissed. There shall, however, be no order as to costs.

[M. S. SONAK, J.]

[V. M. KANADE, J.]