

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

**RSA No. 1815 of 1998 (O&M)
Date of Decision : 19.05.2016**

State of Haryana and others **...Appellants**

Versus

Ex-Constable Ishwar Chand **...Respondent**

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

- 1) *Whether Reporters of the local papers may be allowed to see the judgment?*
- 2) *To be referred to the Reporters or not?*
- 3) *Whether the judgment should be reported in the Digest?*

Present: Mr. Raj Kumar Makkad, DAG, Haryana.

Ms. Anita Balyan, Advocate for the respondent.

P.B. Bajanthri, J.(Oral)

The appellant has questioned the validity of order dated 31.09.1997 of trial Court as well as order dated 07.01.1997 of appellate Court respectively.

The respondent is stated to be appointed in the Police Department as a Constable in the State of Haryana on 30.09.1976. On 25.08.1991 he has submitted his resignation under Rule 14.11 of the Punjab Police Rules Vol.II. The appellant-authority have accepted the resignation on 25.08.1991, the date on which the resignation application was submitted. The respondent withdrew resignation application on 29.08.1991 i.e. before completion of two months. Acceptance

of resignation before two months is contrary to Rule 14.11 of the Punjab Police Rules, Vol.II. Both the courts below have taken note of the said provision, accepted the respondent's (plaintiff) grievance and decreed the suit in favour of the respondent (plaintiff).

In view of the legal position, the appellants have not made out a case so as to interfere in the order of the trial court as well as appellate court.

Accordingly, the appeal stands dismissed.

May 19, 2016.
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(P.B. BAJANTHRI)
JUDGE