

CWP No.17088 of 2011

Manoj Kumar
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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CWP No.17088 of 2011
Date of Order: 13.12.2016**

Smt. Karamjit Kaur

....Petitioner

Versus

Guru Nanak Dev University, Amritsar and Another

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Dhawal Pratap Singh, Advocate for the petitioner.

None for the respondents.

JASWANT SINGH, J (ORAL)

By invoking the writ jurisdiction of this Court, the petitioner has sought for quashing of the impugned order dated 16.11.2006 (**P.3**) whereby her resignation dated 01.11.2006 was accepted inspite of her request for withdrawal on 06.11.2006; further prayer is for granting her the benefit of continuity of service from the date of her initial appointment in the year 1986 as Junior Assistant with all consequential benefits.

The facts in brief are that the petitioner joined the service of Guru Nanak Dev University, Amritsar (for short "the University") as Clerk on ad hoc basis w.e.f 31.1.1986. Her services were confirmed on 23.8.1992. She was granted privilege leave w.e.f 13.7.2006 till 13.10.2006 for getting her son treated at Virginia City, America, however, she did not go to America for the purpose aforesaid. She, thereafter, sought for extension of leave for one

month vide letter dated 06.10.2006 **(P.1)**, which was declined vide letter dated 19.10.2006 thereby directing her to report for duty.

The petitioner instead of submitting joining report made another request vide letter dated 01.11.2006 **(P.1)** seeking extension of two months and further in the alternative praying for treating this application to be her resignation in case, her leave is not sanctioned. The resignation was accepted vide letter dated 16.11.2006 **(P.3)**.

Learned counsel for the petitioner submits that before acceptance of her resignation vide Annexure P.3, a letter of withdrawal of application/resignation **(P.1)** stood submitted and, therefore, the office order dated 16.11.2006 (P.3) accepting the resignation of the petitioner is liable to be quashed.

On the other hand, case of the respondents is that the petitioner was continuously in the habit of seeking leave and in the alternative submitting her resignation letters followed by withdrawal of the same. Such like instance of the year 1998 has been quoted in written statement.

In the present case, upon subsequent request of the petitioner, she was offered a fresh appointment vide letter dated 07.2.2008 **(P.6)** as Clerk on compassionate ground based upon the decision of the Syndicate of the University. She accepted the same and, therefore, cannot raise any grievance regarding the previous acceptance of her resignation.

After hearing learned counsel for the petitioner and going through the pleadings, it is apparent that the present

petition is devoid of any merit.

Even if the resignation letter was accepted on 16.11.2016 without considering the request for withdrawal, the cause of action commenced with the passing of Annexure P.3 and the petition has been filed after a delay of five years in the year 2011, thus the claim would be barred by limitation apart from suffering from the vice of delay and laches.

The submission that the petitioner was repeatedly filing representations would not come to the rescue of the petitioner as it is a settled principle of law that filing of repeated representation does not extend the period of limitation from the original date of accrual of cause of action. The aggrieved persons even in case of pendency of statutory appeals are not required to wait more than one year from the date of accrual of the cause of action. That apart, the petitioner having been offered and accepted a fresh appointment as Clerk in the year 2008 on compassionate basis in the light of her previous service, is estopped from raising any grievance qua acceptance of her resignation or any claim for previous service, which stood forfeited upon acceptance of resignation.

Dismissed.

December 13, 2016
manoj

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No