

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

-:-

**C.W.P No. 20527 of 2012 (O&M)
Date of Decision: January 28, 2016.**

Pawan Kumar

..... Petitioner

Versus

State of Punjab & Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. Siddharth Gupta, Advocate, for the petitioner.

Mr. Nilesh Bhardwaj, D.A.G., Punjab.

Rajesh Bindal, J

Challenge in the present petition is to the communication dated 10.09.2012 (Annexure P/8), vide which the resignation of the petitioner as Depot Holder was accepted.

The only contention raised by learned counsel for the petitioner is that when he came to know about forwarding of his resignation on 24.08.2012, immediately on 27.08.2012 he addressed a letter to the District Controller Food and Civil Supplies, Bathinda, withdrawing the resignation mentioning the circumstances under which it was submitted. Despite the fact that the petitioner has already moved a letter for withdrawal of the resignation, the same was accepted vide impugned letter dated 10.09.2012. Learned counsel for the petitioner further referred to contentions made in para-7 of the petition regarding submission of his application for withdrawal of resignation to which there is no specific denial in the written statement

filed on behalf of the respondents.

Learned counsel for the respondents while fairly not disputing the fact that the writing and signatures of certain officials are available on the photocopy of the vernacular of Annexure P/4, the letter vide which the petitioner sought withdrawal of his resignation letter, submits that the same was sent to Assistant Food and Civil Supplies Officer Rampura Phul, as the original resignation letter is not available in the office of District Controller, Food and Civil Supplies. He further submitted that as letter of withdrawal was not available in the office of District Controller, Food and Civil Supplies, the resignation submitted by the petitioner was accepted.

After hearing learned counsel for the parties, I am of the opinion that the present petition deserves to be allowed. It is also established on record that resignation allegedly submitted on 22.08.2012 was withdrawn by him vide his letter dated 27.08.2012, however, still the resignation was accepted by the authorities, vide order dated 10.09.2012 (Annexure P/8). A resignation which had already been withdrawn prior to its acceptance could not be accepted by the respondents. Accordingly, communication dated 10.09.2012 (Annexure P/8) is quashed.

The petition stands allowed.

At this stage, learned counsel for the respondents submitted that there were proceedings pending against the petitioner for violation of conditions of licence and those were filed as resignation of the petitioner was accepted. Once the order accepting the resignation of the petitioner has been set aside, the department may be given liberty to proceed against the

petitioner in pursuance of the show cause notice already issued.

Keeping in view the aforesaid submissions made by counsel for the respondent-State, it is clarified that if any proceedings were pending against the petitioner at the time of acceptance of his resignation, the department shall be at liberty to continue with those in accordance with law.

January 28, 2016
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(RAJESH BINDAL)
JUDGE