

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

W.P.No.3375 of 2018

ORDER: (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioner has assailed the order dated 04-10-2016 in O.A.No.460 of 2012, whereby the application filed by the petitioner has been dismissed.

The brief facts of the case are that the petitioner was working as Engineering Assistant with the 2nd respondent since 1994. On 30-10-2006, the petitioner tendered his resignation while praying that the resignation kindly be accepted and relieved the petitioner from duty on the very same day evening. The contents of the application for resignation are as under:

“ The domestic problems prevailing and ill-health of my wife still need my constant assistance. These are well known to your good self and you were kind enough to grant me leave till date.

Under the above circumstances, I am submitting my Resignation from the service on personal grounds to the post of Engineering Assistant with immediate effect.

My Resignation may kindly be accepted and relived from duties by today evening, as I can not attend the office further.

I Solicit your kind help in this regard. ”

Keeping in view the prevailing circumstances, the 2nd respondent accepted the resignation on the very same day i.e. 30.10-2006. Thereafter, on 06-06-2009, the petitioner filed another application for withdrawing the order dated 30-10-2006, whereby

resignation of the petitioner was accepted. The said representation of the petitioner was dismissed on the ground that once the resignation has already been accepted, that cannot be withdrawn thereafter. Being aggrieved, the petitioner filed O.A.No.460 of 2012 and the same was dismissed on the ground that the petitioner slept on the matter for about six years. It appears that he was not interested in prosecuting the case within reasonable time.

It is true that once resignation is accepted, an employee has no right to withdraw his request of resignation. The case before us is that the petitioner made resignation on 30-10-2006 praying to the respondents to accept on the very same day due to his prevailing circumstances. The respondents were very kind enough to the petitioner and accepted the resignation on the very same day i.e. 30-10-2006.

Learned counsel for the petitioner has failed to establish before this Court that after accepting resignation, an employee has no right to withdraw the same.

Finding no merit in the present petition, the same is dismissed. Miscellaneous petitions pending, if any, shall stand closed. No costs.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

05-02-2018
Nvl

