

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.17881 of 2018

Date of Decision:-06.09.2018

**Harjit Singh, Ex-Math Master, Govt. High School Thatha Nawan
(Kapurthala).**

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Vivek K. Thakur, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Petitioner while serving as Maths Master in the Department of Secondary Education, Punjab was granted conditional Ex-India Leave from 01.06.2013 to 15.06.2013 to go to Canada, which was subject to the undertaking/his declaration dated 23.5.2013 submitted by the petitioner that in case he fails to join back his duty after the expiry of the said period, the request may be termed as resignation from service. Since the petitioner concededly did not join back after the expiry of leave period, impugned order dated 23.7.2013 (P-1) was passed accepting his undertaking as resignation from service.

Petitioner is stated to have sent an E-mail on 17.09.2013 (P-2) requesting that his resignation may not be accepted and he be allowed to rejoin back his duty, however, it is not disputed that the E-mail was sent

from Canada and the petitioner never came back to India.

After hearing counsel for the petitioner, no grounds to interfere with the order is made out simply on the fact that even a civil suit for such a relief would be barred by law of limitation as admittedly the petitioner had become aware that his resignation has been accepted as reflected from E-mail at P-2 itself.

Dismissed.

(JASWANT SINGH)
JUDGE

September 06, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>