

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: May 08, 2018

+ **W.P.(C) 4886/2018 & CM 18833/2018**

SAUGATA ROY Petitioner

Through: Ms. Kartika Sharma and Mr.
Cheitanya Madan, Advocates

Versus

PEC LIMITED Respondent

Through: Mr. Sanjeev Narula and Ms.
Anumita Chandra, Advocates

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioner's resignation stands rejected vide email Communication of 16th April, 2018 (*Annexure P-8*). The cryptic resignation reads as under: -

"With reference to your resignation dated 05-04-2018 to DIR(AM), it is to inform you that the same has not been accepted by the Competent Authority as Vigilance Clearance has not been granted in view of the Disciplinary Proceedings for Major Penalty to your goodself in underway."

2. Vigilance clearance has not been granted due to pending departmental inquiry against petitioner. Learned counsel for respondent informs that even a criminal case has been registered against petitioner by CBI on the subject matter of Memorandum of 5th August, 2016. Learned counsel for respondent has drawn attention of this Court to respondent's HR Manual. Clause 13 thereof deals with resignation, dismissal or termination of service and its relevant extract is as under: -

“Resignation tendered by an employee shall not become effective till it is accepted by the Company and the acceptance communicated to the employee. The Company shall have the right to refuse, for reasons to be communicated to the employee in writing, to accept resignation in a case where a disciplinary proceeding against the concerned employee is contemplated or has been initiated or is pending.”

3. Since impugned rejection does not spell out the reasons, therefore, it is quashed with direction to respondent to deal with petitioner's application for resignation in light of Clause 13 of respondent's HR Manual, as referred to above. Needful be done within a period of four weeks from today and its fate be conveyed to petitioner within a week thereafter, so that petitioner may avail of the remedies as available in law, if need be.

4. As regards pending departmental inquiry against petitioner, in the facts and circumstances of this case, it is deemed appropriate to direct respondent to expeditiously proceed with it and to make all endeavours to

conclude the recording of evidence of management's witnesses within a period of three months from the date already fixed.

5. With aforesaid directions, this petition and the application are disposed of.

Copy of this order be given *dasti* to learned counsel for the parties.

(SUNIL GAUR)
JUDGE

MAY 08, 2018

s

