

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.28110 of 2005

ORDER :

Despite the matter being listed under the caption "FOR DISMISSAL", when the matter is taken up for hearing, learned counsel for the petitioner is not present and there is no representation on his behalf.

The learned Standing Counsel for the respondents – Corporation had submitted that the petitioner, while working as Driver, has tendered his resignation on 02.08.2004 and the same was accepted by the respondents Corporation and after acceptance of his resignation, the petitioner has submitted a representation dated 20.08.2004 to withdraw his resignation and the competent authority was pleased to consider the said representation and the petitioner was taken back into service as a fresh Driver without continuity of service and other service benefits vide order dated 05.02.2005. Challenging the same, the petitioner has preferred a review before the Reviewing Authority seeking to reinstate him into service with continuity of service and all other service benefits, but the Reviewing Authority has rejected his request to reinstate him into service with continuity of service and all other service benefits on withdrawal of his resignation, vide order dated 18.01.2005. Challenging the same, the petitioner has filed the present writ petition.

The learned Standing Counsel further submits that as per Regulation No.7(b) of Service Regulations, whenever any employee tenders resignation and if his resignation is permitted to be withdrawn after acceptance of the same, such employee will be reinstated into service as a fresh candidate, therefore, the question of granting continuity of service and all other service benefits in respect of such employee would not arise.

Having considered the said submission, this Court is of the considered view that the Reviewing Authority has rightly passed orders on 18.01.2005 rejecting the case of the petitioner for continuity of service with all other benefits. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

28.01.2019.
Msr

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