

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

123

CWP No.18760 of 2021

Decided on : 21.09.2021

Sunder

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.B.D.Rana, Advocate, for the petitioner.

(The proceedings are being conducted through video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India is for issuance of directions for deciding the legal notice dated 15.10.2018 (Annexure P-8) wherein he claims the relief of reinstatement on regular post of Sweeper-cum-Chowkidar.

It is not disputed that the petitioner was engaged on part-time basis on 27.07.1992 and his services were regularized on 21.08.2014. It is his own case that he resigned on 15.11.2014 (Annexure P-4). After the said resignation, the petitioner is stated to have moved an application dated 04.05.2015 (Annexure P-5) to withdraw his resignation and thereafter, written a letter to the Education Minister on 08.03.2016 (Annexure P-6). It is in such circumstances the petitioner is approaching this Court. In the opinion of this Court, after his resignation, the petitioner's relationship with the respondents as employer-employee came to an end in 2014, which was a voluntary act on the part of the petitioner. Therefore, now, at this belated stage, he cannot seek consideration that he be taken back in service. During the course of arguments, counsel has also admitted that the petitioner is drawing pension.

In such circumstances, keeping in view the fact that there is no legal or vested right, this Court is of the opinion that a writ of mandamus is not liable to be issued, for the relief claimed. Resultantly, the present writ petition is dismissed in limine.

September 21, 2021

(G.S. SANDHAWALIA)

Sailesh

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No