

In the High Court of Punjab and Haryana at Chandigarh

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CWP-15104-2022 (O & M)

Date of Decision: September 01, 2022

MALA

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Manoj Chahal, Advocate for the petitioner.

Mr. Narender Singh Behgal, AAG, Haryana.

Mr. Gaurav Jindal, Advocate for respondent No.4.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the action of the respondents in not permitting her to withdraw her resignation.

Learned counsel for the petitioner submits that the petitioner, who was working as a Safai Karamchari, has resigned as she wanted to contest the municipal election and on her failure to win the election, she had withdrawn the resignation. The resignation should have been allowed to be withdrawn and the petitioner be permitted to rejoin the post. He also submits that the petitioner had given resignation by giving one month's notice. He has relied upon the judgment of the Coordinate Bench of this Court passed in CWP-11387-2012 titled as **Smt. Savitri Devi versus State of Haryana and others** decided on 10.03.2015.

Heard.

The petitioner is stated to have been working as a Safai Karamchari. She had submitted a resignation from service on 03.06.2022. The

elections for the Chair Person, Municipal Council wherein the petitioner was also a candidate was held on 19.06.2022. The result was declared on 22.06.2022 and the petitioner could not win the election. The application for withdrawal of the resignation was made on 23.06.2022. The resignation had been accepted on 04.06.2022. The resignation of the petitioner had been accepted and she had thereafter contested the election. The withdrawal of the resignation has been sought much after the acceptance of the same. The resignation could have been withdrawn only before its acceptance. The judgment of the Coordinate Bench of this Court in **Smt. Savitri Devi's** case (supra) is distinguishable on facts and not applicable to the instant case as in that case the petitioner therein had submitted resignation on 13.03.2012 and had preferred an application for withdrawal of the resignation on 19.04.2012 but the resignation had been accepted on 01.05.2012. In the instant case, the resignation of the petitioner had been accepted and only thereafter the petitioner had sought its withdrawal. Therefore, I do not find any merit in the instant petition.

The petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

September 01, 2022
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No