

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-20712-2021 (O&M)

Date of Decision: 08.04.2022

SUDHIR YADAV

..... Petitioner(s)

Versus

REGISTRAR GENERAL, PUNJAB AND HARYANA HIGH COURT
CHANDIGARH AND OTHERS

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Mahipal S. Yadav, Advocate
for the petitioner.

Mr. Ajaivir Singh, Advocate
for the respondents.

LISA GILL, J.

Prayer in this writ petition is for quashing of order dated 17.07.2014, whereby the petitioner was relieved from service after acceptance of his resignation as well as order dated 14.07.2017, Annexure P-4, whereby petitioner's request for reappointment to the post of Ahlmad has been rejected.

Learned counsel for the petitioner submits that petitioner had submitted his resignation due to peculiar circumstances faced by him at that time, especially keeping in view the medical condition of his father. Thereafter, petitioner's father's condition having improved, he sought reappointment in February, 2017. Copy of application though dated nil, is attached as Annexure P-3 with this writ petition. Learned counsel for the petitioner vehemently argues that first and foremost immediate acceptance of the petitioners resignation is not justified. He should have been given time to rethink his decision as the petitioner was not fully aware about the

applicable legal provisions and the ramifications of his resignation. He tried to withdraw his resignation but his request has been wrongly rejected. Learned counsel relies on certain 'Resignation and Reinstatement Rules' sought to be placed on record vide CM-5370-CWP-2022 to submit that petitioner is entitled to reinstatement on the post of Ahlmad despite acceptance of his resignation. It is thus prayed that this petition be allowed.

I have heard learned counsel for the petitioner and have gone through the file with his assistance.

It is a matter of record that the petitioner who was working as Ahlmad in the Court of learned Civil Judge (Jr. Division), Nuh at Mewat, submitted his resignation in July, 2014. Petitioner's resignation was duly accepted and he was relieved from service after acceptance of his resignation on 17.07.2014. The reason stated in petitioner's application dated 08.07.2017 for submitting his resignation is that the petitioner was suffering from back pain and that his father was a patient of depression after a grave road accident with the petitioner not being able to continue with the service any longer. It is further stated that his resignation be accepted with the petitioner being ready to deposit his salary of one month as well. It is also mentioned in the writ petition that certain departmental proceedings were initiated against the petitioner under Rule 7 read with Rule 4 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987 and Rule 12(2) of the Haryana Subordinates Courts Establishment (Recruitment and General Condition of Services) Rules, 1997, with the allegation that petitioner was negligent in misplacing the police challan of one case file. It is stated that no serious allegation was however present against the petitioner.

Curiously, the petitioner sought to withdraw his resignation vide application dated nil, Annexure P-3, which learned counsel for the petitioner candidly states was probably submitted in the year 2017. The argument that acceptance of the petitioner's resignation within 10 days itself is bad in the eyes of law and un-sustainable, is clearly an argument devoid of any merit, hence, rejected. It is relevant to note that the petitioner in his application seeking acceptance of his resignation has submitted that he is ready to deposit his salary of one month, thereby indicating the urgency with which he sought acceptance of his resignation. Admittedly, the petitioner never sought revocation/withdrawal of his application seeking resignation before its acceptance and in fact till the year 2017. Therefore, the averment that petitioner immediately tried to withdraw his request for resignation, is incorrect and certainly not borne out from the record.

Learned counsel for the petitioner further argued that the petitioner is entitled to reinstatement in terms of applicable rules. Reference was made to certain rules, which the petitioner is stated to have received on an application submitted by him under the RTI Act, 2005. Learned counsel for the petitioner had sought time to place on record the information the petitioner had received in response to his application. Petitioner seeks to place on record an extract titled Chapter XV 'Resignation and Reinstatement', vide CM-5370-CWP-2022. A perusal of the same reflects a reference to some Education Code Section 88201 and reference to a Board of Trustees. It is apparent that the same are not the rules applicable to the petitioner or govern his resignation or reappointment. Learned counsel for the petitioner is unable to answer the pointed query as to details of the basic primary/main Rules of which this extract forms a part of.

Learned counsel for the respondents, to whom an advance copy of paper book had been supplied, at this stage intervenes to submit that he has received information that the said extract is in fact relating to certain rules applicable to Santa Monica College in California. It is not understandable as to how the petitioner has filed the present application. Learned counsel for the petitioner is unable to explain this conduct on the part of the petitioner.

Learned counsel for the petitioner is unable to point out any rule whatsoever which vests the petitioner with any right for reappointment to the post of Ahlmad in terms of the applicable Haryana Civil Services Rules, 2016. Petitioner once having submitted his resignation out of his own free will and volition in July, 2014 and after acceptance thereof, is not entitled to raise a bogey of acceptance of his resignation being unfair or unjustified, after a lapse of about three years in the given factual matrix which holds no indication of the same.

Keeping in view the facts and circumstances of the case, I do not find any ground whatsoever to interfere. Therefore, this writ petition being devoid of any merit is dismissed with no order as to cost. Pending applications, if any, are disposed of accordingly.

08.04.2022
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No