

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

(106)

**LPA-914-2023 (O&M)
Decided on : 06.12.2023**

Sudhir Yadav

.....Appellant(s)

Versus

Registrar General, Punjab & Haryana High Court and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE LAPITA BANERJI**

Present: Mr. Krishan Singh, Advocate
for the appellant (s).

Mr. Ajaivir Singh, Advocate
for respondent No.1.

G.S. Sandhawalia, J. (Oral)

The present letter patent appeal which is barred by 283 days has sought consideration of the order of the learned Single Judge dated 08.04.2022 passed in **CWP-20712-2021** wherein the petition filed by the appellant was dismissed while noting that no rule was pointed out which vested the writ petitioner with any right for reappointment to the post of Ahlmad. The learned Single Judge has recorded that the writ petitioner has submitted his resignation out of his own free will and volition in July, 2014 and after acceptance thereafter he could not claim or allege that the resignation was unfair or unjustified, after a lapse of about three years. It has also been noticed that the application for withdrawal of the resignation was submitted in the year 2017.

2. A perusal of the paper-book would go on to show that on his own volition the appellant had submitted his resignation from service and addressed to learned Civil Judge (Jr. Division), Nuh at Mewat on 08.07.2014 (Annexure P-1). The same was forwarded to the learned District & Sessions Judge, Nuh for necessary action. The same was directed to be processed which would be clear from Annexure P-1. Resultantly, on 17.07.2014 the Civil Judge (Jr. Division), Mewat vide Annexure P-2 accepted the resignation and relieved the appellant while noting that there was nothing due against him and there was no work pending relating to his post.

3. Apparently, the appellant has woken up after three years and filed the representation on the ground that due to family circumstances he could not perform his duties and that he was compelled to resign. The rejection of his application for reappointment on 14.07.2017 (Annexure P-4) was on the ground that there was no provision of re-appointment in the Haryana Civil Services Rules, 2016 and the power to recruit a Class-III employee no longer vested with the District & Sessions Judge. The appellant thereafter slept over and after a period of three long years chose to file the writ petition, which was dismissed by the learned Single Judge.

4. Keeping in view the above, we find no tangible reason to interfere in the order of the learned Single Judge which suffers from no infirmity. The appellant has apparently on his own tendered the resignation and allowed it to be accepted. He took three long years to reagitate and after rejection of the representation took another three years to file the writ petition. In the absence of any mandatory rules the relief for reinstatement could not have been asked for and, therefore, we do not see any reason to interfere.

5. The appeal is, accordingly, dismissed while the application for condonation of delay is allowed for the reasons given in it.

(G.S. SANDHAWALIA)
JUDGE

06.12.2023
Naveen

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No