

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

CWP-29083-2023

Date of Decision: 22.12.2023

RITA RATHORE

...Petitioner

Vs.

HARYANA HUMAN RIGHTS COMMISSION AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sushil Bhardwaj, Advocate for the petitioner.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the grievance of the petitioner is that the petitioner had submitted a resignation dated 08.12.2023 from service with the clear intent that the same be accepted w.e.f. 05.01.2024 hence the said resignation could not have been accepted prior to the date mentioned in the resignation whereas, the petitioner withdrew the said resignation vide letter dated 17.12.2023 but, vide order dated 18.12.2023 (Annexure P-8) the resignation of the petitioner has been accepted and she will be relieved w.e.f. 22.12.2023 which is totally arbitrary and illegal.

2. Learned counsel for the petitioner submits that in the facts and circumstances of the present case, where, before 05.01.2024 the resignation was withdrawn and the said communication was already sent to the authorities concerned, the resignation of the petitioner could not have been accepted and the petitioner cannot be relieved from the service.

3. Notice of motion.

4. On the asking of the Court, Mr. Pankaj Middha, learned Additional Advocate General, Haryana, who is present in Court, accepts

notice on behalf of the respondent No.3-State. Mr. S.K. Garg Narwana, Senior Advocate assisted by Mr. Vishal Garg Narwana accepts notice on behalf of respondent Nos. 1 & 2 and has filed his Power of attorney, which is taken on record.

5. Learned Senior counsel appearing on behalf of respondent Nos.1 and 2 submits that the resignation of the petitioner was accepted on 12.12.2023 i.e much before the date when the petitioner submitted the letter for the withdrawal of the resignation, and the decision so taken on 12.12.2023 was only conveyed to the petitioner on 18.12.2023 hence, there is no *mala fides* with the Department so as to accept the resignation of the petitioner despite being withdrawn.

6. Learned Senior counsel further submits that he has instructions to say that order dated 18.12.2023 (Annexure P-8) be treated as withdrawn with liberty to pass the fresh order in case any need arises keeping in view the facts and circumstances of the case.

7. Learned counsel for the petitioner submits that keeping in view the fact that the impugned order has already been withdrawn, the present is rendered infructuous and the same may kindly be disposed of as having been no pressed any further.

8. Ordered accordingly.

(HARSIMRAN SINGH SETHI)
(JUDGE)

22.12.2023

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