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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

7 WRIT PETITION NO. 15643 OF 2023

**AMOL EKNATH PATIL
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS**

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Mr M. K. Bhosale, Advocate for Petitioner;
Mrs Sudha Chintamani, Standing Counsel for Respondent No.1
Mr S. V. Warad, Advocate for Respondent Nos.2 to 6

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 5th February, 2024

PER COURT:

1. This is a case, in which the Petitioner desires that, he be granted liberty to withdraw the resignation, admittedly after acceptance of the same by the Respondent/Bank, and after communication of such acceptance.
2. We have considered the submissions of the learned Advocates for the respective sides.
3. The Petitioner was appointed as an 'Agricultural Finance Officer/Specialist' with the Respondent/Bank, on

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14/09/2018. On 04/09/2023, he tendered a resignation letter, setting out the following contents :-

“Subject : To get relaxation from serving resignation notice period to Amol Patil, AFO, and EMP ID 136335 Jamner Branch.

Respected Sir,

I , Amol Patil AFO Jamner Br PF 136335 want to join another organization on 12 September 2023. I have submitted my resignation in HRMS. I am ready to pay the amount against waiver of notice period. Hence I request you to kindly consider my application for waiver of notice period. I am resigning to join Jain Irrigation Systems Limited at Jalgaon. Hence I request you to grant me waiver of notice period. I am ready to pay the amount as per bank norms to get relaxation from serving notice period. Thank you for your consideration.”

4. It is obvious that the Petitioner has made it clear to the employer that, he decided to join another reputed Company, namely, ‘Jain Irrigation Systems Limited’ at Jalgaon. It is also apparent that, he requested for waiver of the notice period and he also indicated his consent to pay the notice period amount as per the Bank norms for seeking waiver of the notice period. On 26/09/2023, after a period of almost 22 days, the Bank conveyed the acceptance of the resignation letter to the Petitioner, by it’s office order dated 26/09/2023, which is also undisputed. He was

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relieved from employment, which is evidenced by his signature on the letter of acceptance.

5. Thereafter, the Petitioner moved an application to the Employer/Bank on 27/09/2023, stating that, though he has resigned from service of the Bank and after his resignation was accepted on 26/09/2023, he got relieved from the Bank, he desires to rejoin. At the end of the communication, he tendered an apology and requested for considering, as to whether he could be reinstated in service. The said letter, praying for leave to withdraw the resignation was forwarded by the Branch Manager to the Regional Head office, Jalgaon, with a covering letter, dated 03/10/2023. The Regional Head wrote a detailed letter dated 06/10/2023 to the Secretarial Administrative Department (SAD), Central Bank of India office, Mumbai, strongly recommending the acceptance of the application, seeking withdrawal of resignation. He also recommended that the Petitioner is facing certain challenges in life on the family front, and if his request is considered favourably, he would surely work hard and serve the Institution/Bank. However, there has been no order on the said representation and recommendations of the Branch Manager, as well as the Regional Head, Jalgaon until today.

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6. The Bank has entered a detailed affidavit-in-reply dated 03/02/2024, filed through Shri. Kaushalendra Kumar Singh s/o Awadhesh Kumar Singh, Chief Manager, (Head, HCM Department), Central Bank of India, Regional Office, Jalgaon, wherein it is stated that, the Petitioner's resignation has become irrevocable on the ground that, it has been accepted and the acceptance has been communicated. This Writ Petition is also opposed, for the reason that the Petitioner had stated the name of a reputed Company, which he desired to join by resigning from the Bank and, therefore, after the resignation is accepted, the Petitioner's request for reinstatement, cannot be considered.

7. We are aware of the trite position of law that, a resignation, after its acceptance, cannot be permitted to be revoked. It is also a crystallized position of law that, if undue haste or glaring factors do not indicate high handedness on the part of the Employer, and in the absence of any allegation of force, duress or coercion, such a resignation letter cannot be termed as being a forcible resignation or termination.

8. The *Administrative clarification under Regulation No.20 - Termination of Service of the Central Bank of India*

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(Officers') Service Regulation, 1979 (Alongwith Guidelines/Rules/Clarification) with amendments/modification adopted on 31/12/2015, would indicate that, once the resignation is accepted, there cannot be a withdrawal of the said resignation. On the request of the Petitioner, the Bank waited for around 22 days and waived the notice period and accepted the resignation.

9. In these circumstances, we can see that, this Court would not be justified in causing indulgence in this matter. **This Writ Petition is, therefore, dismissed.**

10. The learned Advocate for the Petitioner submits on instructions, that the Petitioner makes a mercy request to the Respondent/Bank, to consider his case for reinstatement. He would not pray for entire back wages from 26/09/2023, if he is reinstated, till the date of such reinstatement. He would only pray for continuity in service. In these circumstances, we leave it to the Respondent/Bank, to consider the said request of the Petitioner on humanitarian grounds. We would appreciate if the bank shows sympathy towards the Petitioner.

(Y. G. KHOBRADE, J.)
sjk

(RAVINDRA V. GHUGE, J.)