

2024:PHHC:158897



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

227

CWP-12072-2024

Date of Decision : 29.11.2024

MANPREET SINGH

.... PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.J.S.Maani pur, Advocate
for the petitioner.

Mr. G.S.Bhullar, AAG, Punjab.

Ms. Palvi, Advocate for
Mr. Ishan Gupta, Advocate
for respondent No.5.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking direction to the respondents to issue appointment letter for the post of Assistant Financial Officer (AFO) against Scheduled Caste (Mazbi Sikh and Balmiki). He, in the alternative, is seeking direction to respondent No.4 to permit him to withdraw his resignation from the post of Ward Attendant.

2. The petitioner was selected as Ward Attendant by Director, Health & Family Welfare Department, Punjab in May' 2022. He joined his office on 12.05.2022. The State of Punjab vide advertisement No.5

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dated 17.08.2021 invited applications for the post of AFO. The petitioner belongs to SC (Mazbi Sikh and Balmiki) Category and he applied for the post of AFO in his category. The respondent conducted written test and thereafter shortlisted candidates. The name of the petitioner appeared in the shortlisted candidates at Sr. No.15. He was issued appointment letter dated 28.03.2023. Due to code of conduct imposed by Election Commission of India, he was not allowed to join. The respondent vide communication dated 12.05.2023 intimated to provisionally selected candidates that they should not report on 17/18.05.2023. On 06.07.2023, a revised list of candidates of all the categories was issued wherein name of petitioner figured in waiting list.

3. The petitioner was likely to be selected as AFO with Punjab Bureau of Investigation, Punjab Police, thus, he submitted resignation dated 31.03.2023 to Director, Health Services & Family Welfare Department. He deposited one month's salary in the Civil Hospital, Fatehgarh Sahib. The competent authority accepted his request and he vide letter dated 11.05.2023 was relieved from duty w.e.f. 31.03.2023.

4. The petitioner on account of revision of selection list could not be selected as AFO and in the interregnum Health Department accepted his resignation. In this way, he lost his job with Health Department as well as Police Department. He filed an application dated 05.07.2023 with Health Department seeking permission to withdraw his resignation. The competent authority has rejected his application on the ground of delay.

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5. Mr. Mannipur submits that at this stage, he does not press his claim for the post of AFO, however, Health Department may be directed to accept his application seeking withdrawal of resignation.

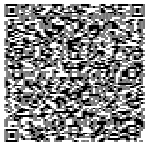
6. Mr. Bhullar submits that resignation was submitted on 31.03.2023 and it was accepted on 11.05.2023. The application seeking withdrawal of resignation was filed on 05.07.2023. As per Rule 7.5 of Punjab Civil Services Rules, the petitioner could withdraw his resignation within two months from the date he was relieved.

7. I have heard the arguments of counsel for the parties and perused the record.

8. The petitioner, at this stage, has withdrawn his prayer of appointment as AFO, thus, no findings are required to be returned qua said prayer.

9. This Court finds substance in the 2nd prayer of the petitioner that direction be issued to respondent-Health Department to consider his application seeking withdrawal of resignation. The respondent is claiming that resignation could be withdrawn within two months from the date of relieving. The petitioner submitted his resignation on 31.03.2023 and it was accepted on 11.05.2023. He filed an application seeking withdrawal on 05.07.2023. If the date of acceptance of resignation is considered as date for counting two months period for withdrawal of resignation, the claim of petitioner is sustainable, however, if the date from which resignation was made effective is considered, his claim is not sustainable. The name of the petitioner figured in the selection list of AFO and he was not allowed to join on account of Code of Conduct

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imposed by Election Commission of India. At a later stage, he was shifted to waiting list on account of revision of merit list in the light of directions of this Court. In these circumstances, the petitioner lost opportunity to work as AFO. If his application seeking withdrawal of resignation is not accepted, he would also lose his job of Ward Attendant. The petitioner has withdrawn his resignation within two months from the date of actual acceptance, though acceptance was made retrospective.

11. Considering the facts & circumstances as well as interest of justice and equity, this Court finds it appropriate to direct the Health Department to accept application of petitioner seeking withdrawal of his resignation. It is made clear that this order would not be treated as precedent because it has been passed in the peculiar facts and circumstances. Let the needful be done within one month from today.

(JAGMOHAN BANSAL)
JUDGE

29.11.2024
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No