



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

LPA-537-2023

Date of decision : 08.05.2025

Sunil Kumar

..... Appellant

Versus

District & Sessions Judge, Rohtak and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. N.C. Kinra, Advocate, for the appellant.
Mr. Dhiraj Chawla, Advocate, for respondent No.2.

SHEEL NAGU, CHIEF JUSTICE

1. This intra-court appeal assails the order dated 20.01.2023 passed by learned Single Judge while exercising writ as well as supervisory jurisdiction under Article 226/227 of the Constitution of India, dismissing CWP-32587-2019 by which the petitioner/appellant had sought quashment of orders dated 03.01.2017, 04.01.2017, 06.01.2017 and 11.04.2017, Annexures P-10, P-11, P-12 and P-16, respectively, essentially seeking to re-consider decision of the employer accepting resignation of the petitioner/appellant, with further prayer to instead accept request for voluntary retirement.

2. The factual matrix lie in a narrow compass.

2.1 The petitioner/appellant, on being initially appointed on substantive post as a Class IV employee in December, 2000, was subsequently promoted as Daftri in the year 2007 and thereafter, as Process Server in 2015. In May, 2015, the petitioner/appellant and one Anil Sangwan (Bailiff) were served with separate charge sheets (Annexures P-5 and P-6) under Rule 7 of the Haryana Civil Service (Punishment and Appeal) Rules, 1987, alleging common allegation of making false complaints in the name of other employees. The petitioner/appellant refuting the allegations filed reply



(Annexure P-7), which on being found unsatisfactory, disciplinary authority appointed Enquiry Officer, who after conduction of enquiry proceedings submitted report on 30.09.2015 (Annexure P-8) finding charges to be proved in respect of both the delinquent employees, including the petitioner/appellant.

2.2 On 02.01.2017, vide application Annexure P-9, the petitioner/appellant made a request for voluntary retirement, after only completing about 17 years service. The very next day, i.e. 03.01.2017, the petitioner/appellant, vide another application (Annexure P-10), submitted resignation. The employer, vide order dated 04.01.2017 (Annexure P-11), rejected the request for voluntary retirement and instead vide order dated 06.01.2017 (Annexure P-12), accepted the request for resignation, asked the petitioner/appellant to deposit one month salary in lieu of the notice period. The petitioner/appellant duly complied with the said order by depositing one month salary on 11.01.2017 and, thus, was relieved from service on 02.02.2017 vide Annexure P-14.

2.3 Pertinently, the petitioner/appellant had a change of mind, which led to submission of an application dated 21.03.2017 (Annexure P-15) seeking permission to re-join services, which was declined vide impugned order dated 11.04.2017 (Annexure P-16). An appeal preferred by the petitioner/appellant assailing the aforesaid decision was withdrawn on 06.09.2019 vide Annexure P-18.

3. Learned Single Judge, while relying upon Rule 21 of the Haryana Civil Services (Pension) Rules, 2016, found that on submission of resignation, the past qualifying service of a Government employee stands forfeited in respect of pension as well as gratuity, and therefore, the petitioner/appellant



having voluntarily submitted resignation cannot now blow hot and cold by raising the plea of being mentally upset at the time of submission of resignation.

3.1 Learned Single Judge has further relied upon the factum of the petitioner/appellant having suppressed material fact in his application for withdrawal of resignation by disclosing that no enquiry was pending against him during his service career. Learned Single Judge has also relied upon Rule 146 of Haryana Civil Service (General) Rules, 2016, to hold that the employer rightly rejected prayer for voluntary retirement, since the petitioner/appellant had not attained the eligibility age for the same.

3.2 While referring the aforesaid facts, learned Single Judge has dismissed the writ petition.

4. After having heard learned counsel for the rival parties and having given thoughtful consideration to the arguments raised and having perused the material on record, this Court is of the considered view that no legal infirmity can be found in the order of learned Single judge, which has dealt with all the points raised reasonably and lawfully.

5. Consequently, the appeal stands dismissed.

(SHEEL NAGU)
CHIEF JUSTICE

(SUMEET GOEL)
JUDGE

May 08, 2025
narotam

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