

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

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2023:PHHC:071902

CWP-10299-2023

Date of decision: 17.05.2023

HARNOORPREET SINGH

..Petitioner

Versus

STATE OF PUNJAB AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kumar Vishav Aggarwal, Advocate
for the petitioner.

Mr. Vishnav Gandhi, DAG, Punjab.

ANIL KSHETARPAL, J(Oral)

1. On 12.05.2023, the following order was passed:-

“The petitioner challenges the order by which his technical resignation has been rejected. Initially, the petitioner applied for the post of Section Officer pursuant to a recruitment notice issued on 30.07.2016. Subsequently, on 29.11.2016, another recruitment notice for the post of Audit Inspector was issued and the petitioner applied. He was selected and appointed as an Audit Inspector in 2018. However, subsequently, in 2022 appointment letter as Section Officer under the State Government has been issued to the petitioner pursuant to the recruitment notice dated 30.07.2016. He submitted his resignation to join as the Section Officer, which was rejected.

Pursuant to the supply of an advance notice of the writ petition, Sh. Vikas Arora, AAG, Punjab, has entered appearance and submits that it was the responsibility of the petitioner to inform the Department in 2018 before his joining that he has already applied for the post of the Section Officer. Hence, his resignation cannot be accepted.

Learned counsel representing the State prays for some time to justify the aforesaid stand.

List on 15.05.2023, in the urgent list.”

2. The learned counsel representing the State of Punjab has produced a copy of order dated 16.05.2023 to contend that the petitioner's simple resignation has been accepted. The learned counsel representing the

petitioner submits that the petitioner's technical resignation is required to be

accepted as the petitioner would lose her 5 years service in the government service.

3. On the other hand, the learned counsel representing the State of Punjab submits that the petitioner at the time of joining was required to inform the department that she has already applied for the post of Section Officer.

4. This Court has considered the submissions of the learned counsel representing the parties. It is evident that the State's adoption of a hyper technical approach is not serving its best interests; instead, it is leading to its own defeat. Here is a case where the petitioner applied for the post of Section Officer pursuant to the recruitment notice dated 30.07.2016, whereas, the recruitment notice with respect to the post of Auditor was issued after a period of four months from 30.07.2016. The petitioner has been selected and appointed pursuant to the aforesaid recruitment notice for the post of Section Officer under State of Punjab itself, issued in July, 2016.

5. Keeping in view the aforesaid facts, the writ petition is disposed of by directing the respondents to treat the petitioners resignation as a technical resignation which will be deemed to have been accepted on the day the petitioner demitted the office as the Audit Inspector i.e. 09.06.2022.

6. At this stage, it has been brought to the notice of the Court that the Department has neither released the petitioner's salary nor her service book has been transferred to respondent No.5 for the salary and other benefits.

7. The learned counsel representing the State of Punjab admits that it reflects a very sorry state of affairs. He assures the Court that not only the

petitioner’s salary but even her service book shall be either reconstructed or searched and transferred to respondent No.5 within a period of one month, positively.

8. All the pending miscellaneous applications, if any, are also disposed of.

May 17th, 2023

(ANIL KSHETARPAL)
JUDGE

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