

CWP-7263 of 2026

2026:PHHC:039011



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

CWP-7263 of 2026

Date of decision: 11.03.2026

Harjinder Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Ms. Komalpreet, Advocate,
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

NAMIT KUMAR, J.

1. Instant writ petition has been filed under Articles 226/227 of the Constitution of India, seeking a writ of *mandamus* directing the respondents to withdraw the resignation and issue appointment letter to the petitioner under the physically handicapped (visually impaired) category against advertisement No.15 of 2022 dated 29.06.2022 (Annexure P-2) for the post of Clerk (Group C) under the Finance Department (Treasury and Accounts Branch), Punjab.

2. Brief facts of the case, as have been pleaded in the petition, are that pursuant to advertisement No.15 of 2022 dated 29.06.2022 (Annexure P-2), issued by respondent No.3, petitioner was appointed to the post of Clerk under the physically handicapped (visually impaired) category in the Finance Department (Treasury and Accounts Branch), vide appointment letter dated 01.02.2024 (Annexure P-4). Thereafter, petitioner received an appointment letter dated

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01.04.2025 (Annexure P-5) for the post of ETT Teacher, for which the petitioner applied pursuant to advertisement dated 12.10.2022. Thus, to join as ETT Teacher, petitioner submitted resignation dated 01.04.2025 (Annexure P-6) from the post of Clerk to respondent No.4. The resignation of the petitioner was accepted by the Government of Punjab, Finance Department on 15.04.2025 (Annexure P-7). However, petitioner served a legal notice dated 21.01.2026 (Annexure P-8) upon the respondents requesting to reconsider the appointment already issued in favour of the petitioner and permit him to join the post of Clerk (Group 'C'), if any, available under the Finance Department (Treasury and Accounts Branch), Punjab, under the physically handicapped (visually impaired) category. The grievance of the petitioner is that the said legal notice has not been considered by the respondents till date and he has not been allowed to rejoin on the post of Clerk. Hence, the present writ petition.

3. Learned counsel for the petitioner while placing reliance upon Rule 7.5(4) of the Punjab Civil Services Rules, Volume-I (Part-I) (hereinafter referred to as 'the Rules') submitted that an employee has the right to withdraw his resignation. She submitted that by relaxing the 90-day limit prescribed under Rule 7.5(4)(iii)(iv) of the Rules, petitioner should be allowed to withdraw his resignation and rejoin the post of Clerk.

4. *Per contra*, learned State counsel submitted that the resignation of the petitioner has already been accepted by the respondents and after a huge delay, petitioner cannot be allowed to

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withdraw the same. Therefore, present writ petition is liable to be dismissed.

5. I have heard learned counsel for the parties and perused the record.

6. Rule 7.5 of the Rules, on which reliance has been placed by the learned counsel for the petitioner, reads thus: -

“FORFEITURE OF SERVICE ON RESIGNATION

7.5. (1) *Resignation from a service or a post, unless it is allowed to be withdrawn in public interest by the appointing authority, entails forfeiture of past service.*

(2) *A resignation shall not entail forfeiture of past service if it has been submitted to take up, with proper permission, another appointment, whether temporary or permanent, under the Government where service qualifies for pension.*

(3) *Interruption in service in a case falling under sub-rule (2), due to the two appointments being at different stations, not exceeding the joining time permissible under the rules of transfer, shall be covered by grant of leave of any kind due to the Government employee on the date of relief or by formal condonation to the extent to which the period is not covered by leave due to him.*

(4) *The appointing authority may permit a person to withdraw his resignation in public interest on the following conditions, namely:—*

(i) *that the resignation was tendered by the Government employee for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal of the resignation has been made as a result of a material change in the*

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circumstances which originally compelled him to tender the resignation;

(ii) that during the period intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper;

(iii) that the period of absence from duty between the date on which the resignation became effective and the date on which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than ninety days;

(iv) that the aforementioned period of ninety days shall be observed in the manner that the employee concerned should put in his application for withdrawal of resignation within two months of being relieved and the same should as far as possible be processed within a period of one month; and

(v) that the post, which was vacated by the Government employee on the acceptance of his resignation or any other comparable post, is available.

(5) Request for withdrawal of a resignation shall not be accepted by the appointing authority where a Government employee resigns his service or post with a view to taking up an appointment in or under a private commercial company or in or under a corporation or company wholly or substantially owned or controlled by the Government or in or under a body controlled or financed by the Government.

(6) When an order is passed by the appointing authority allowing a person to withdraw his resignation and to resume duty, the order shall be deemed to include the condonation of interruption in service but the period of interruption shall not count as qualifying service.”

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7. Admittedly, the petitioner, who was working as Clerk with the respondents-department, tendered his resignation from service vide application dated 01.04.2025, which was accepted by the respondents on 15.04.2025. Thereafter, after a lapse of about nine months from the acceptance of his resignation, petitioner served a legal notice dated 21.01.2026 upon the respondents seeking withdrawal of his resignation and requesting permission to rejoin the post of Clerk.

8. As per Rule 7.5(4)(iv) of the Rules, a Government servant can be permitted to withdraw his resignation within a period of two months from the date of being relieved by the competent authority. However, in the present case, the petitioner has sought withdrawal of his resignation after a period of about nine months from its acceptance.

9. In view of the aforesaid Rule, position and the undisputed delay, the request of the petitioner cannot be entertained. Once the resignation has been duly accepted and the stipulated period for withdrawal has long expired, the petitioner cannot claim a right to resume service merely on the basis of a subsequent change of mind. The petitioner did not remain in service with effect from 15.04.2025. The relationship of petitioner and the respondents as employee-employer under the recruitment came to an end, the moment his resignation was accepted. As per service jurisprudence, employment is terminated from the date on which the letter of resignation is accepted by the appropriate authority. This view has been recently taken by the Hon'ble Apex Court in *Shriram Manohar Bande v. Uktranti Mandal and others* while deciding *SLP(C) No.21401/2022 vide order dated*



25.04.2024. Entertaining such belated requests would be contrary to the governing rules and would adversely affect administrative certainty.

10. Therefore, after considering the facts and circumstances of the present case, this Court finds no merit in the present petition. The resignation of the petitioner having been duly accepted and the request for its withdrawal being made beyond the prescribed period, no interference is called for. Accordingly, the present petition stands dismissed, with no order as to costs.

11.03.2026
R.S.

(NAMIT KUMAR)
JUDGE

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