

2026.PHHC.062112



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

**CWP-9536-2026 (O&M)
DECIDED ON: 23.04.2026**

VIKRANT SHARMA

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. L.K.Gollen, Advocate and
Ms. Bharti Gollen, Advocate for the petitioner(s)
Mr. Deepak Balyan, Addl. A.G., Haryana.

SANDEEP MOUDGIL, J (ORAL)

Prayer

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking quashing the impugned order/letter dated 02.01.2025 (Annexure P-14), issued by Respondent No. 2, whereby the request of the petitioner for treating his resignation as technical resignation has been rejected. Challenge has also been laid to the order dated 28.10.2024 (Annexure P-12) to the extent it treats the petitioner's resignation as a simple resignation.

Facts

2. The petitioner was appointed as Helper Mechanical (Group-D) in Haryana Roadways under the Transport Department, Government of Haryana, on 31.01.2019.

3. In pursuance to Advertisement No. 01/2022 introducing the Common Eligibility Test (CET) for recruitment to Group-C posts, the petitioner obtained an Experience Certificate from respondent No. 2, appeared in the CET examination and qualified the same. Thereafter, Advertisement No. 03/2023 was issued by the Haryana Staff Selection Commission for recruitment to various Group-C posts for CET-qualified candidates, pursuant where to the petitioner again obtained a fresh Experience Certificate from respondent No. 2.

4. Subsequently, pursuant to re-advertisement issued in terms of judgment dated 31.05.2024 passed by a Division Bench of this Court, the petitioner was appointed as Clerk under the Directorate of Medical Education and Research, Government of Haryana, vide appointment letter dated 21.10.2024.

5. For joining the aforesaid post, the petitioner submitted resignation dated 22.10.2024 to respondent No. 2 seeking technical resignation. However, the same was treated as a simple resignation and the petitioner was directed to deposit one month's salary in lieu of notice. Thereafter, despite representation dated 25.11.2024 and communication dated 11.12.2024 issued by respondent No. 4 seeking forwarding of the petitioner's service record for continuity of service benefits, respondent No. 2 rejected the petitioner's claim vide impugned order dated 02.01.2025.

6. Hence, the present petition has been filed.

7. It is worth noticing that the petitioner is seeking multiple reliefs in the present petition, namely, issuance of a writ in the nature of Mandamus directing the respondents, particularly Respondent No. 2, to treat the resignation dated 22.10.2024 submitted by the petitioner as a technical resignation in terms of Rule 16 of the HCS (Pension) Rules, 2016; and to transfer the complete service book,

service record, HRMS data, and all allied documents of the petitioner to Respondent Nos. 3 and 4 (Directorate of Medical Education and Research / Kalpana Chawla Government Medical College), so as to enable continuity of service and grant of consequential benefits.

8. The petitioner's last prayer is for refund of the amount equivalent to one month's salary deposited by him in lieu of the notice period, along with applicable interest, while assailing the rejection of his request for treating his resignation as a technical resignation on allegedly flimsy grounds.

Contentions

On behalf of petitioner

9. Learned counsel for the petitioner submits that the technical resignation tendered by him on 22.10.2024 has been rejected on flimsy grounds that the petitioner never made a representation pursuant to Advertisement No. 04/2024 (published on 28.06.2024), as the petitioner had already qualified the CET-2022 conducted under Advertisement No. 01/2022 for Group 'C' posts. By virtue of such qualification, the petitioner was eligible to participate in the subsequent selection process initiated vide Advertisement No. 04/2024, which pertains to the same recruitment cycle arising out of Advertisement No. 03/2023.

On behalf of respondent

10. In the present matter, notice of motion was issued on 30.03.2026. Written statement of Kuldeep Singh, General Manager, Haryana Roadways, Karnal was filed on behalf of respondents No. 1 and 2. Learned State counsel submits that, at this stage, it is not necessary to file a separate reply on behalf of respondents No. 3 and 4, as they adopt the reply already filed on behalf of respondents No. 1 and 2. The prayer is accepted.

11. On the other hand, learned State counsel while referring to paragraph No. 5 of the written statement would argue that the petitioner gave an application dated 22.10.2024 in the office of respondent No. 2, whereby he informed that he was selected on the post of Clerk in the office of respondent No. 4 and sought acceptance of his technical resignation. However, the said application was found to be not in accordance with law by respondent No. 2, and the same was declined vide the impugned order dated 02.01.2025 in illegal manner.

12. Learned State Counsel would further refer to Rule 16 of Haryana Civil Services (Pension) Rules 2016 to urge that resignation from the post held before joining the new/subsequent appointment from one department to another from any other Government to Haryana Government shall be treated as or technical resignation subject to condition that application for the new/subsequent appointment is submitted through proper channel or at the time when the concerned Government employee was not in service in any department/organization under any Government.

13. In view of Rule 16, he would argue that the petitioner did not submit the application through the proper channel and, therefore, his claim of technical resignation in pursuance of Advertisement No. 04/24 is not sustainable.

Analysis

14. At this stage, this Court finds it appropriate to note that Advertisement No. 03/2023 was issued by the Haryana Staff Selection Commission for recruitment to Group-C posts from amongst CET-qualified CET-2022 candidates who fulfilled the essential qualifications prescribed for the said posts.

15. Pursuant thereto, eligible candidates were called upon to appear in the written examination and skill test. In this regard, the petitioner submitted an application dated 03.04.2023 seeking issuance of an attested experience certificate, which was issued to him on 07.04.2023. Thereafter, the petitioner submitted another application dated 17.10.2023 seeking permission to appear in the CET Group-C examination conducted by the Haryana Staff Selection Commission.

16. It is further relevant that the said advertisement was subsequently merely re-advertised vide Advertisement No. 04/2024 and did not constitute a fresh recruitment process so as to require the petitioner to submit a fresh application or tender a fresh resignation to respondent No. 2.

17. Be that as it may, this Court is sanguine of the fact that it is admitted fact that Government of Haryana initially launched the portal for registration for the Common Eligibility Test (CET) through Advertisement No. 01/2022 for recruitment of various group 'C' post. The candidates had appeared for CET (Group-C) held on 5th and 6th November, 2022. The petitioner submitted application on 04.07.2022 for obtaining experience certificate which was duly provided to him vide letter dated 04.07.2022 (P-4) by respondent No. 2 under the signatures of the General Manager, Haryana Roadways, Karnal, being the competent issuing authority.

18. It is further noticed that Haryana Staff Selection Commission issued another Advertisement No. 03/2023 for recruitment to Group-C posts inviting applications amongst the candidates who qualified CET-2022, who fulfill essential qualifications required for the posts. The petitioner being desirous for it, again submitted application dated 03.04.2023 for issue of attested experience certificate and the same was issued to him on 07.04.2023 (P-8). The petitioner submitted

application dated 17.10.2023 for giving permission to give exam of HSSC CET-Group (C).

19. However, before the examination could take place, the said advertisement was re-advertised as Advertisement No. 04/24 by HSSC for direct recruitment to Group 'C' posts only from the Common Eligibility Test Group 'C' qualified candidates from 29.06.2024 to 08.07.2024 till 11:59 PM.

20. The stand of the respondents in declining the acceptance of the resignation as technical resignation is totally misplaced on the ground that the petitioner never sought permission or informed respondent No. 2, since Advertisement No. 04/24 is only a re-advertisement against Advertisement No. 03/23, in which the petitioner had already appeared in the recruitment process.

21. Thereafter, asking for a fresh application or refusing acceptance of the resignation as technical resignation on the ground that the petitioner never made any fresh application under Advertisement No. 04/24 is not applicable, as the petitioner had already completed the said formalities under Advertisement Nos. 01/22 and 03/23. However, the respondents have been sitting over the issue, which has deprived the petitioner of the opportunity to secure a Group 'C' post.

22. Subsequently, the petitioner was made to join the service on 29.10.2024, but without granting him the benefit of the previous service rendered with respondent No. 2. In light of the above legal position and the service rules, including Rule 16 of the Haryana Civil Services (Pension) Rules, 2016, which has been misread by the respondents, the petitioner is entitled to counting of service with respondent No. 2, if the resignation submitted by him is treated as a technical resignation. The action of declining the same is absolutely illegal, arbitrary, and based on a misreading of the provisions of Rule 16 of the said Rules, 2016, as well

as the conditions of Advertisement No. 04/24, which was in continuation of Advertisement No. 03/23. On that account, the petitioner was not required to submit a fresh resignation to the earlier employer, i.e., respondent No. 2.

23. In view of the aforesaid discussion, this Court is of the considered opinion that the respondents are liable to accept the resignation submitted by the petitioner on 22.10.2024 as a technical resignation and to grant all consequential benefits, including counting of length of service, leave encashment, pay protection, and all other service benefits to which the petitioner is entitled under the applicable rules and conditions of service. The impugned order/letter dated 02.01.2025 (Annexure P-14) issued by Respondent No. 2, whereby the request of the petitioner for treating his resignation as technical resignation has been illegally rejected, as well as the order dated 28.10.2024 (Annexure P-12) to the extent it treats the petitioner's resignation as a simple resignation, are hereby quashed.

24. As regards the last prayer, seeking refund the amount of one month's salary deposited by the petitioner in lieu of notice period, along with applicable interest is also allowed. Hence, it is directed that one month salary of the petitioner which was withheld by respondent No.2 shall also be disbursed with 6% interest per annum from the date it was withheld, till the date of its realization.

25. Petition is allowed in the above said terms.

26. Pending application(s), if any, also stands disposed of.

(SANDEEP MOUDGIL)
JUDGE

23.04.2026
anuradha

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