

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

RSA-3274-2006 (O&M)

Moksha Nagpal

.....Appellant

Vs.

Managing Director, Haryana State Industrial

.....Respondents

Reserved on : 03.11.2025**Pronounced on: 22.01.2026****Uploaded on: 22.01.2026***Whether only the operative part of the judgment is pronounced?**NO**Whether full judgment is pronounced?**YES***CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

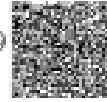
Present: Mr. Gaurav Sharma, Advocate
for the petitioner.

Mr. Jagbir Malik, Advocate and
Mr. Shubham Malik, Advocate
for respondent Nos.1 and 2.

SUDEEPTI SHARMA J. (Oral)

1. The present appeal is preferred against judgment and decree dated 02.11.2002 passed by Civil Judge (Jr. Division), Division and judgment and decree dated 20.03.2006 passed by learned District Judge, Chandigarh, whereby, the civil suit filed by the appellant was dismissed and the appeal filed by him was also dismissed.

2. Brief facts of the case as per pleadings in the civil suit are that appellant was appointed as Media Manager on probation in HSIDC on 15.05.1995. Her services were confirmed on 17.05.1996. From 1995 till 1998 appellant was harassed by respondent No.3-Deputy General Manager (PR), Haryana State Industrial Development Corporation Limited, who issued frivolous memos and chargesheets.

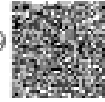


3. On 02.09.1998 appellant tendered her resignation (Ex.P-8). On 07.09.1998 resignation was accepted (Ex.P-9). Upon communication of order dated 07.09.1998, whereby, resignation of appellant was accepted, appellant submitted representation dated 15.09.1998 to Managing Director stating therein that her resignation letter never gave any indication that resignation may be accepted forthwith and she requested to allow her to continue to perform her duties till the expiry of three months i.e. 02.12.1998. The said request was rejected vide order dated 06.10.1998, thereafter, another representation dated 20.11.1998 was filed and on 27.11.1998 appellant withdrew her resignation. On 05.02.1999 she made further reminder requesting reinstatement. On 03.05.1999 legal notice was served upon respondents. On 25.08.1999 she filed civil suit for declaration to the effect that order dated 07.09.1998 accepting the resignation letter dated 02.09.1998 and order dated 06.10.1998 rejecting representation dated 15.09.1998 be declared illegal, null and void.

4. Civil suit filed by her was dismissed vide judgment and decree dated 02.11.2002 by learned Civil Judge, Jr. Division Chandigarh. She filed appeal against judgment and decree dated 02.11.2002 which was also dismissed vide judgment and decree dated 20.03.2006 passed by District Judge, Chandigarh. Hence the present regular second appeal.

5. Learned counsel for the appellant contends that :-

- i) That resignation was not voluntary but was obtained under coercion.
- ii) That her resignation is illegally accepted before expiry of statutory notice period.



iii) That withdrawal of resignation within the notice period renders acceptance invalid.

iv) That no authority can deduct salary in lieu of notice period without consent.

v) That impugned order is passed in violation of principle of natural justice.

6. Findings of both the Courts are perverse and against evidence on record.

7. Further that appellant has not been given three years service benefit such as gratuity, leave encashment, General provident fund etc. till date.

8. Learned counsel for the appellant relies on the following judgments to support his arguments:-

i) *Rajbir Singh Vs. The Haryana State Cooperative Development Federation Ltd.; 1992 (3) S.C.T. 574*

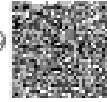
ii) *Sham Sunder Vs. The Director of School Education, Haryana; 1994 (4) S.C.T. 616*

9. Per contra, learned counsel for the respondents contends that both Courts have rightly dismissed the civil suit filed by the appellant as well as the appeal filed by her since the resignation was accepted on 07.09.1998 and she submitted withdrawal of resignation on 27.11.1998 and the resignation cannot be withdrawn after its acceptance.

10. Learned counsel for the respondents relies on the following judgments to support his arguments:-

i) *Raj Kumar Vs. Union of India; 1969 AIR Supreme Court 180*

ii) *Union of India Vs. Shri Gopal Chandra Misra and others; 1978 AIR Supreme Court 694*



11. I have heard learned counsel for the parties and perused the whole record of this case which their able assistance.

12. The question involved in the present regular second appeal is as to whether resignation can be withdrawn after its acceptance.

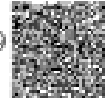
In the present case, resignation was submitted on 02.09.1998 which is Exhibit P-8. The same is reproduced as under:-

“Keeping in view my present State of mind and absolutely no change in the adamant and rude behaviour of Deputy General Manager (PR), I hereby tender my resignation. You are requested to kindly make full and final settlement of my accounts as the earliest.”

13. As per the office order dated 28.05.1996 (Ex.P-17) the services of the appellant were confirmed and in the said order it was mentioned that services of the appellant were terminable by giving three months notice or pay in lieu thereof on either side. Meaning thereby, appellant could resign by giving three months notice or pay in lieu thereof and the defendant could terminate the services of appellant by giving three months notice or pay in lieu thereof. A perusal of above mentioned resignation dated 02.09.1998 (Ex.P-8) by the appellant shows that no three months notice was given by the appellant to the respondents, rather she insisted that full and final settlement of her accounts be made at the earliest.

14. In response to the letter dated 02.09.1998 (Ex.P-8), Managing Director vide order dated 07.09.1998 (Ex.P-9), ordered as under:-

“The resignation letter dated 2.9.1998 tendered by Ms Mokshi Nagpal, Media Manager is hereby accepted with immediate effect. As regard notice period, three months salary in lieu of notice period will be deducted



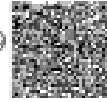
from her terminal dues which will be settled on receipt of No Dues Certificate from all concerned.”

15. A perusal of the above shows that resignation of the appellant was accepted on 07.09.1998. Appellant wrote letter dated 15.09.1998 (Ex.P10) after acceptance of resignation. A further perusal of record shows that resignation letter dated 02.09.1998 (Ex.P-8) was accepted with immediate effect vide order dated 07.09.1998 (Ex.P-9) when it was specifically observed that so far as the notice period of three months is concerned, salary of three months in lieu of notice period will be admitted from her terminal dues which will be settled on receipt of show cause notice certificate from all concerned.

16. Letter dated 15.09.1998 (Ex.P-10) written by the appellant to Managing Director nowhere expresses the intention of the appellant to withdraw her resignation. Rather it reveals that she wants to continue till the expiry of three months from 02.12.1998 (Ex.P-10) is reproduced as under:-

“As such you are requested to kindly let me continue my duties till the expiry of three months i.e. 2.12.1998. The condition of deduction of three months salary in lieu of notice period is not acceptable to me. I may also clarify that I have been informed that I have been marked “absent from the duty” for the months of July and August whereas I was on medical leave and I had submitted my joining report in the office. This fact may kindly be considered at the time of final settlement of dues.”

17. There is one letter dated 05.02.1999 (Ex.P-13) whereby, appellant has written that she cannot be removed from service without



holding any inquiry since she has withdrawn her resignation dated 02.09.1998 (Ex.P-10) whereas she was never removed from service as per the whole record but she gave resignation which was accepted.

18. Now coming to the judgments referred to by learned counsel for the appellant. In all the judgments referred to by learned counsel for the appellant, Hon'ble Supreme Court held that resignation can be withdrawn before its acceptance whereas, in the present case resignation was withdrawn after its acceptance. Therefore, the judgments referred to by the learned counsel for the appellant rather goes against her. Further, in her resignation letter it was specifically mentioned that the resignation be accepted and the full and final settlement of her accounts be made at the earliest.

19. Now coming to the judgments referred to by learned counsel for the respondents. In all the judgments referred to by learned counsel for the respondents, Hon'ble Supreme Court held that resignation once accepted and communicated cannot be withdrawn.

20. In view of the above, judgment and decree dated 02.11.2002 passed by Civil Judge (Jr. Division), Division and judgment and decree dated 20.03.2006 passed by learned District Judge, Chandigarh are upheld.

21. Accordingly, the present regular second appeal is **dismissed**.

22. Pending application(s), if any, also stand disposed of.

22.01.2026

Saahil

(SUDEEPTI SHARMA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No