



**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**OA No. 954/2021**

**This the 13<sup>th</sup> day of May, 2021**

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Tarun Shridhar, Member (A)**

Kumar Supravin, Aged about 48 years,  
Son of Late Ganesh Prasad,  
Resident of EH-07, Girnar Hostel, I.I.T., Delhi – 110016  
(Group A).

... Applicant

(By Advocate : Mr. Nalin Kohli with Mr. Ajay Vikram Singh  
and Ms. Harvinder Oberoi)

**Versus**

1. The Union of India, through its Secretary, Department of Personnel and Training, North Block, New Delhi – 110001.
2. The State of Haryana through Chief Secretary, Government of Haryana, Civil Secretariat, Sector – 1, Chandigarh.

... Respondents

(By Advocate : Mr. Hanu Bhaskr)

**O R D E R (ORAL)**

**Justice L. Narasimha Reddy, Chairman :**

The applicant was an IAS officer of 1999 Batch of Haryana cadre. While in service, he applied for leave on 24.03.2015. Even while being on leave, he submitted his resignation on 27.05.2005. The competent authority accepted his resignation on 07.10.2005.

2. The applicant submitted a representation on 23.08.2007 with a request to permit him to join the duties. Stating that he came to know about the acceptance of his resignation at a later point of time, he submitted a letter dated 10.09.2007 with a request to permit him to withdraw the resignation. He stated that, the respondent no.1 recommended the acceptance of the withdrawal by mentioning various reasons. However, the 1<sup>st</sup> respondent i.e. Union of India rejected the request of the applicant vide communication dated 07.02.2008. Some correspondence ensued thereafter.

3. The applicant filed the OA No.943/2010 before the Chandigarh Bench of this Tribunal, challenging the order of rejection of his request for withdrawal of his resignation. The OA was disposed of on 02.06.2011, directing the respondents to reconsider the issue, in light of the various reasons



mentioned therein. Stating to be on consideration of the representation and in compliance of the order of the Tribunal, the first respondent passed an order dated 28.04.2015, rejecting the request of the applicant. Initially, the applicant filed a writ petition before the Hon'ble High Court of Punjab & Haryana, challenging the order dated 28.04.2015. On being informed that the writ petition cannot be maintained, he filed the present OA challenging the orders dated 28.04.2015 and 25.05.2016. It is also stated that the applicant made another representation in this behalf and that was also rejected by the 1<sup>st</sup> respondent on 15.05.2016.

4. The applicant contends that the submission of the letter of resignation by him was under compelling circumstances referable to the serious illness of his father and once the state of affairs in the family were a bit settled, he wanted to withdraw his resignation. He submits that though there was technical acceptance of the resignation, the fact remains that he was not relieved from service. It is also stated that the letter of acceptance of resignation was not communicated to him, to the address furnished by him while applying for leave. He has also mentioned two instances of the resignations having been revoked long after the acceptance.



5. The respondents filed a detailed counter affidavit. It is stated that the applicant submitted resignation on his own accord and once it was accepted in accordance with law, the question of withdrawing the same does not arise. It is also stated that the case of the applicant was considered more than once, and it cannot be a repetition of the same exercise.

6. Mr. Nalin Kohli, learned senior counsel for the applicant advanced extensive arguments. He submits that the letter of acceptance of the resignation was not served upon the applicant in accordance with the procedure known to law, particularly Section 27 General Clause Act. He contends that whatever be the form of resignation, it comes into force only when the employee is relieved from service, and that has not taken place in the case of the applicant. Learned senior counsel further argued that the second respondent, the concerned State was ready and willing to take the applicant into service and there is no justification for the first respondent in refusing to concur with the same. He brought to our notice, the letter dated 30.06.2020, wherein the 2<sup>nd</sup> respondent expressed his willingness to take the applicant into service and that the matter needs to be considered by the 1<sup>st</sup> respondent once again. Mr. Nalin Kohli, has also referred to certain observation made by the Chandigarh Bench of the



Tribunal in its order in OA No. 943/2010 as well as the Rule 26 of the CCS (Pension) Rules.

7. Mr. Hanu Bhaskar, learned counsel for the respondents on the other hand submits that once the applicant has tendered resignation and it was accepted, the question of revoking it does not arise. The learned counsel further submits that Section 27 of the General Clause Act has no application to this case and equally Rule-26 does not apply to the All India Services.

8. It is rather unfortunate that the applicant, who was in the initial stage of his bright career has chosen to submit the resignation. There are instances where the letters of resignation are submitted out of emotion or under distress. In such cases corrective steps are taken immediately thereafter. The law is fairly well settled in this behalf. In case any time limit is stipulated, the mere fact that the resignation is accepted before the expiry of time does not bring about termination of the relationship of employer and the employee. The employee does have a right to withdraw the resignation till the last day of the stipulated time. In the instant case, however, there is no time frame stipulated under any rules. The resignation was submitted by the applicant on 27.05.2005



and it was accepted nearly 5 months thereafter. The applicant could have withdrawn the resignation, before it was accepted. However, the very fact that he did not take any steps for 5 months, discloses that he was firm upon his decision to quit the service of Government.

9. It is long after the acceptance of the resignation, that the applicant changed his mind and thought of joining the duties. His effort made in the year 2007 to join the duties cannot be said to be that innocent. It is just un-understandable as to how he expected the resignation submitted in the year 2005, to remain unaccepted till 2007 and that he can be permitted to join duties. He did not make any effort to ascertain the action taken upon his resignation. Once it emerged that the resignation was accepted, and that he cannot be permitted to join the duties, he undertook some correspondence and thereafter filed OA No. 943/2010. The Tribunal no doubt expressed some views and opined that there are instances where the acceptance of resignation which has assumed finality, can also be withdrawn under certain circumstances. Except making references to certain instances and Rule 26 (4) of the CCS Pension Rules, the Tribunal did not lay down any proposition as such.



10. Rule 26 (10) applies to the Central Government employees. It is fairly known that there are separate set of pension rules for All India Service Officers. At any rate, the acceptance of withdrawal of the resignation is discretionary and the respondents cannot be compelled to reverse their decision on acceptance of resignation of the applicant.

11. In compliance with the observation made by the Tribunal, a detailed order was passed on 22.03.2012. The entire case was reconsidered by the 1st respondent and ultimately it was decided by the competent authority that in the facts and circumstances of the case, the request for reconsideration of his representation for withdrawal cannot be acceded to. Thereafter, the Chief Secretary of the 2<sup>nd</sup> respondent addressed a letter dated 14.06.2013 to the 1<sup>st</sup> respondent. On consideration of that the 1<sup>st</sup> respondent passed an order dated 28.04.2015. It reads as under:-

*“2.The issue regarding withdrawal of resignation by sh. Supravin Kumar, Ex-IAS, has been re-considered by the Department of Personnel and Training. It is conveyed that the request of Shri Supravin Kumar, ex-IAS for withdrawing resignation from service has been rejected.”*

12. On his part the applicant made a representation directly to Hon’ble Prime Minister, that was dealt with and an order was passed on 25.05.2016 and it reads as under :



*“I am directed to refer to PMO I.D.No.4335637/PMO/2015 dated 15.01.2016 and your letter dated 19.04.2016 on the above subject. It is to inform you that the matter has already been examined in this department and request of withdrawal of resignation was not found feasible to accede to by the competent authority, which was conveyed to you vide this office letters of even number dated 28.04.2015. The same was also conveyed to Ex-Chief Minister, Bihar on 21.10.2015 (copy enclosed).”*

13. The applicant is not able to demonstrate that any flaw has taken place in the entire process or that any right that is conferred upon him by a particular provision of law was not respected by the respondents. Left to themselves, the respondents did not have any problem with the applicant and not a word was said adverse to him. The step for termination of the relationship of the employer and the employee between the applicant and the respondents was initiated by none other than the applicant, with the submission of the letter of resignation dated 27.05.2015. It is not even a case where the resignation was requested to be effective after some time and that any step was taken to withdraw the resignation, before that date. He wanted the resignation to be accepted forthwith. The respondents waited for 5 months obviously expecting that the applicant may change his mind. Things would have been different had the applicant taken any step before the resignation was accepted.

14. It may be true that in certain circumstances, resignations submitted by certain officers were withdrawn after acceptance.



Much would depend on the circumstances under which the resignations came to be submitted or they came to be accepted. There cannot be any hard and fast rule in this behalf. Even from the point of the applicant, the situation would be so abnormal that he may have to be reinducted into service with gap of 15 years. In between 15 batches of officers were appointed and he has to function as a junior to many of them. That would not at all be congenial to the administration also. Further it is not the case of the applicant that any provision of law has been violated in his case. Though the Government of Haryana is said to have addressed a letter dated 30.06.2020, recommending the case of the applicant that would not be of not much use.

15. We do not find any merit in the present OA and the same is dismissed accordingly. There shall be no order as to costs.

**(Tarun Shridhar)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/Lalit/ankit/sd