

**Central Administrative Tribunal
Principal Bench**

OA No.26/2014

Reserved on : 09.03.2017
Pronounced on : 20.03.2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K. N. Shrivastava, Member (A)**

Dr. Hilaluddin
S/o Late Nihaluddin
R/o 2/31 A, Prem Gali,
Near Masjid, Babarpur, Shahdara,
East Delhi 110 052
last employed at the Indian Council of Forestry
Research & Education,
Dehradun 248 006.

.... Applicant.

(By Advocate : Shri Pranjal Kishore)

Versus

The Director General of
Indian Council of Forestry Research & Education,
Dehradun and
Special Secretary to the
Federal Ministry of Environment & Forests,
Union of India,
Paryavaran Bhawan, CGO Complex,
Lodhi Road,
New Delhi 110 003.

.... Respondents.

(By Advocate: Shri Sanjay Katyal)

: O R D E R :

Justice Permod Kohli, Chairman :

The Indian Council of Forestry Research and Education (ICFRE) invited applications from the Indian nationals for the post of Scientist-D (Biodiversity) vide its advertisement No.2/DSD/ICFRE-2012 (**Annexure No.2**).

2. The applicant being eligible for the said post applied for the same. After scrutiny and short listing of the applications, ICFRE called 29 short listed candidates including the applicant for interviews by its Departmental Recruitment Committee during 18.12.2012 and 19.12.2012. On the basis of his performance in the interview held on 18th & 19th December, 2012, the applicant was declared successful for appointment to the post of Scientist-D (Biodiversity) in the unreserved category in the pay scale of PB-4 Rs.15600-39000 with Grade Pay of Rs.7600/- per month vide order dated 19.12.2012 (**Annexure -3**). The offer of appointment was issued to the applicant vide letter dated 5th February 2013 followed by his appointment vide order dated 22.12.2013 on probation for a period of one year w.e.f. the date of his appointment as per the terms of the letter dated 05.02.2013 (offer of appointment). On 22nd February, 2013, a corrigendum was issued regarding the pay scale, and instead of PB-4 the applicant was placed in PB-3 in the same pay scale.

3. It is stated that the applicant resigned from his previous job from the Planning Commission, Union of India to join the post of Scientist-D (Bio Diversity) consequent upon his selection in ICFRE. It is alleged that the applicant became target of deep routed conspiracy in the corridors of power from the very beginning. It is stated that he was treated like a 'D' Grade citizen in ICFRE by his immediate

superiors. He had no place to sit in the office for almost a month. He repeatedly ran from pillar to post for getting basic vital work facilities whose non existence was affecting work productivity. He brought the matter to the notice of the then DG, and it was after DG's intervention the applicant was allotted room, furniture stationary, etc., vide letter dated 19.03.2013. It is also alleged that Head of the Biodiversity Conservation Division of ICFRE Mr. Y. V. Khandekar, a bureaucrat forester, notoriously inclined towards everything other than the research aptitude, started forcing the applicant to do many work in authoritarian ways including typing his personal letters. Mr. S. Dasgupta, Deputy DG (Extension) also acted as a co-accomplice. It is stated that despite highly un-conducive work environment that completely lacked professionalism, the applicant continued developing innovative research proposals on "national and state biodiversity databases and profiles" as per the directives of the then DG. The applicant started researching on Delhi's faunal wealth after approval of Delhi biodiversity project.

4. It is also stated that the Secretary of ICFRE issued another offer letter dated 14.05.2013 to Dr. Ajay Saxena who was in the panel after the applicant in the order of merit, despite the fact that the post of Scientist-D (Biodiversity) advertised vide Advertisement No.2/DSD/ICFRE-2012 had been filled up on appointment of the applicant on 22.02.2013. It is further stated that one Mr. T. J. S.

Chawla against whom an FIR was lodged where the applicant was the key witness sent an email dated 19.03.2013 against the appointment of the applicant. The applicant has made further allegations that after joining of Dr. Saxena, his immediate superiors including Mr. V. Y. Khandekar and Mr. S. Dasgupta started forcing him to change approved objectives, methodology and format of biodiversity profile projects in authoritarian manner in order to downgrade his scientific temperament. He has made various allegations against the above named persons and their capabilities as professional etc.

5. It is alleged that in tension and pressure, the applicant tendered his resignation hurriedly vide his resignation letter dated 13.06.2013 (Annexure No.9) requesting for being relieved on 10.07.2013 as per the terms of appointment letter. It is stated that the conditional and forced resignation of the applicant was accepted by the Director General, ICFRE vide order dated 24.06.2013 (**Annexure No.1**) w.e.f. 10.07.2013 (A/N). The applicant, however, vide letter dated 16.08.2013 (**Annexure No.11**) addressed to the Director General, ICFRE and DG, Ministry of Environment and Forests withdrew his resignation. He also met the DG in his Chamber on 29.08.2013 seeking revocation of order dated 24.06.2013. The applicant was, however, relieved on 10.07.2013 vide relieving order dated 10.07.2013 which was followed by another relieving order

dated 30.08.2013. It is alleged that both these orders were not served upon the applicant, but he has obtained the same under Right to Information Act, 2005 on 30.09.2013.

6. The applicant has filed this Application seeking following reliefs:-

- “a) to quash the impugned order No.35-930/2013-ICFRE dated 24.06.2013 of the Indian Council of Forestry Research and Education, Dehradun with immediate effect.
- b) to issue a writ, order or direction in the nature of MANDAMUS commanding the respondent to reinstate the service of the applicant in the council and to maintain status quo of the applicant as was on 10.07.2013 in the council within a specific time frame given by this Hon’ble Tribunal.
- c) to issue a writ, order or direction in the nature of MANDAMUS directing the respondent to count the intervening period between the dates of relinquishing council by the applicant and his reporting back on duties as leaves without pay and to add intervening period in the service of the applicant without any monetary benefits within a specific time frame given by this Hon’ble Tribunal.
- d) to issue a writ, order or direction which this Hon’ble Court may deem fit and proper under the circumstances and facts of the case; and
- e) to allow this application with special costs in favour of the applicant throughout.”

The main contention of the applicant is that his action of resignation was under the tension, pressure and coercion exercised by the superior officers of ICFRE, and thus it was not a voluntary

resignation. He has made various allegations against the officers of ICFRE.

7. The respondents in their counter affidavit, however, while defending their action stated that the applicant submitted letter dated 13.06.2013 to the Secretary, ICFRE stating that he is unable to continue in ICFRE considering extremely poor academic standard of the organisation accentuated by the existing bureaucracy, and asked for his relieving on 10.07.2013. The letter of resignation/notice of the applicant was placed before the competent authority, i.e., Director General, ICFRE. The DG accepted the resignation tendered by the applicant and relieved him from service from 10.07.2013. While accepting his resignation, the DG, ICFRE also decided to know the reasons that made the applicant to quit ICFRE in such a short time. In compliance of DG's remarks, all the DDGs were requested to submit a brief report on the reasons submitted by the applicant who found the allegations put forth by him baseless. It is the case of the respondents that the applicant voluntarily tendered his resignation from the post of Scientist-D (Biodiversity) in ICFRE, Dehradun. The competent authority accepted his resignation and relieved him from service. The OA is said to be devoid of merits. The respondents have denied the allegations said to be afterthought.

8. The applicant has filed the rejoinder reiterating the averments made in the OA.

9. Sur rejoinder has also been filed on behalf of the respondents. Apart from reiterating the averments made in the counter affidavit, it is mentioned that Ministry of Environment and Forest, New Delhi found administrative irregularities on the part of the then DG, ICFRE, Dr. V. K. Bahuguna and directed ICFRE to take corrective action with regard to appointment of “two scientists namely Dr. Hilaluddin (applicant herein) and Dr. Ajay Kumar Saxena. The applicant himself tendered his resignation whereas services of Dr. Ajay Kumar Saxena were terminated by the DG, ICFRE vide order dated 05.09.2013 in accordance with law.

10. We have heard learned counsel for the parties at length.

11. Notwithstanding the allegations and counter allegations, the moot question that arises for consideration is as to whether the applicant had voluntarily submitted his resignation, and whether his resignation was accepted in accordance with law.

12. The submission of resignation by the applicant is not in dispute. In para 4.17 of the OA, following averments have been made:-

“4.17. On 13.06.2013 (wrongly typed as 14.06.2013), Mr. S. Dasgupta called the applicant in his chamber during lunch hours and strictly instructed him to change approved objectives, methodology and output format of Delhi biodiversity project and other approved biodiversity projects as per his command. When the applicant explained him that they had been designed looking India’s image at other side of the globe, he lost his temper and loudly shouted over applicant with uncivilized and unparliamentarily language. Mr. Dasgupta and Mr. Y. Khandekar, who was there, stood by each

other like a rock. In the tension and pressure, the applicant tendered resignation hurriedly but based on facts which is being annexed herewith and marked as Annexure No.9."

13. The resignation letter of the applicant dated 13.06.2013 reads as under:-

"The Secretary
ICFRE, FRI Campus
Dehradun 248006.

Subject : Resignation from the post of Scientist D (Biodiversity).

Sir,

Thank you very much for giving me opportunity to serve as Scientist D in the Biodiversity Division of ICFRE. However, I am unable to continue here considering extremely poor academic standard of the organization accentuated by existing bureaucracy. This letter may kindly be treated as one month notice in advance and I may kindly be relieved on 10 July 2013 as ToR of the appointment letter.

Once again thanks a lot for showing confidence in my capabilities.

Yours Sincerely
(Hilaluddin)
Scientist D
Biodiversity Division

Copy to

1. The Secretary, MoEF, GoI & President ICFRE for his kind information.
2. The Director General, ICFRE and DG (Forests), MoEF, GoI for his kind information.
3. The Secretary, FoSA, ICFRE, Dehradun for his kind information."

14. From the text of the resignation letter, it appears that the applicant was not satisfied with his job and chose to resign. He did

not mention anything about so called tension or pressure in the resignation letter, rather requested for his relieving on 10.07.2013. The copy of the resignation letter was endorsed to; (i) The Secretary, MoEF, GoI & President ICFRE; (ii) The Director General, ICFRE and DG (Forests), MoEF, GoI and (iii) The Secretary, FoSA, ICFRE, Dehradun. This resignation was processed by the office and following notings were made:-

“It is submitted that Dr. Hilaluddin vide his letter dated 13.06.2013 has submitted resignation from the post of Scientist-D (Biodiversity). Dr. Hilaluddin, Scientist-D has requested that his letter dated 13.06.2013 may be treated as one month notice in advance and he may be relieved on 10th July 2013. His letter dated 13.06.2013 may kindly peruse at Page No.84/C.

It is stated that Dr. Hilaluddin was appointed on the post of Scientist-D (Biodiversity) w.e.f. the forenoon of 22.02.2013 in temporary capacity under direct recruitment.

Submitted for favour of information and orders please.

Section Officer

Dr. Hilaluddin, Scientist-D (Biodiversity), ICFRE, has submitted resignation by giving one month notice vide letter dated 13.06.2013, as he is unable to continue here considering extremely poor academic standard of the organisation accentuated by of the existing bureaucracy.

Submitted for information and further order's please.

/sd/
17/6/2013

Secretary

In continuation of notes, above, Dr. Hilaluddin Scientist 'D' has submitted one month notice page(34/C) stating that he is unable to continue because of reasons stated in the letter. If considered appropriate Shri Hilaluddin can be relieved on 10th July, 2013.

/sd/
Sudhanshu Gupta
Secretary, ICFRE

DG. ICFRE

After Secretary's noting, the matter was placed before the DG, ICFRE who made following comments:-

"Notes on previous page.

A perusal of this file shows that Dr. Hilaluddin was the Chief Consultant of Forestry in the National Rainfed Area Authority of Planning Commission before coming over to ICFRE. And his letter of P.84/C says there's extremely poor academic standard and existing bureaucracy here.

He may be allowed to go but I would like to do some soul searching to know what's there in ICFRE or at least in the Biodiversity wing that has made him quit with such a damaging observation in such a short time.

Pl. get some discussion done with all DDGs and let me have a short report.

/sd/
19.06.2013

Secretary"

The DG vide the aforesaid note accepted the resignation tendered by the applicant with remarks that "he may be allowed to go". He, however, asked for some kind of soul searching about the circumstances wherein the applicant has resigned from service. This acceptance was made on 19.06.2013. The approval of the DG was followed by order dated 24.06.2013, which reads as under:-

“ORDER

The Director General, ICFRE is pleased to accept the resignation tendered by Dr. Hilaluddin, Scientist ‘D’, Biodiversity Division, ICFRE vide notice dated 13.06.2013 and ordered that he will be relieved from the ICFRE services from 10th July 2013 (A/N).

He will submit “No Dues Certificates” from all concerned to the D.D.O. (Admin), ICFRE, Dehradun before relinquishing the charge of the post.

His charge relinquishment report may be sent to this office in due course.

/sd/

(Sudhanshu Gupta)
Secretary, ICFRE

Distribution:

1. All DDGs of ICFRE
2. Director, Biodiversity Conservation, ICFRE
3. DDO (Admin), ICFRE
4. Under Secretary, Pension Cell, ICFRE
5. Dr. Hilaluddin, Scientist ‘D’, Biodiversity Division, ICFRE.”

The aforesaid order was sent to the applicant as per the endorsement made at the bottom.

15. The respondents in their additional affidavit dated 07.07.2015 have placed on record various communications made by the applicant seeking ‘No Objection Certificate’. The applicant applied to the Librarian, Central Library, The Building Department, the Miscellaneous Section, In-charge (Store), Director (Biodiversity & Conservation Division) and the Head (Computer Cell) for issuance of “No Dues Certificate” vide his letters dated 27.06.2013 (Annexures R-

5 to R-10), which are total six in numbers. The contents of all the letters are similar in nature. One of the letters is quoted hereunder:-

“To

The Librarian,
Central Library
FRI Campus
Dehradun-248006.

Subject: Issuance of “ No Dues Certificate.

Dear Sir,

Consequent upon the acceptance of my resignation vide communication of the letter of the Secretary, ICFRE (No.35-930/2013-ICFRE dated 24.06.2013, copy enclosed), kindly make it convenient to issue me the “ No Dues Certificate” from your department at an early date. The Library Card issued in my name is enclosed herewith. Looking forward for a prompt action at your end.

Thanking you in anticipation.

Yours sincerely,

(Hilaluddin)
Scientist ‘D’
Biodiversity & Conservation Division
ICFRE

Encl: As above”

He also wrote a similar letter to the Sports Officer (FRI Campus, Dehradun) on 05.07.2013 (Annexure R-4), which is quoted hereunder:-

“The Sports Officer
FRI
FRI Campus
Dehradun-248006.

Subject: Issuance of No Dues Certificate.

Sir,

Consequent upon the acceptance of my resignation vide Order (35-930/2013-ICFRE dated 24.06.2013, copy enclosed) of the office of the Secretary of ICFRE, kindly make it convenient to issue me the above certificate at an early date. Looking forward for a prompt action at your end.

Thanking you in anticipation.

Yours sincerely,

(Hilaluddin)
Scientist 'D'
Biodiversity & Conservation Division
ICFRE"

All the offices to whom the applicant had applied for "No Dues Certificate" granted "No Dues Certificates" to him.

16. The certificate issued by the Secretary, Indian Council of Forestry Research and Education dated 08.07.2013 is reproduced hereunder:-

"NO DUES CERTIFICATE

In supersession of this office letter of even number dated 01.07.2013, this is to certify that as per records there is nothing due against Dr. Hilaluddin, Scientist-D Biodiversity & Conservation Division, ICFRE so far as office of the Secretary, ICFRE is concerned.

/sd/
(Sudhanshu Gupta)
Secretary

Indian Council of Forestry Research and Education

Copy to:

1. Dr. Hilaluddin, Scientist-D, Biodiversity Conservation Division through DDG (Extension), ICFRE
2. DDO(Admin.) ICFRE

3. Guard file.”

A similar certificate was issued by the office of Sports Officer, FRI Campus, Dehradun on 05.07.2013, and by all other departments on 8/9.07.2013 and by the ICFRE, Dehradun on 28.06.2013. Copies of these certificates are placed on record as **Annexure R-11** (colly) with the additional affidavit filed on behalf of the respondents.

17. Various letters written by the applicant to different departments for “No Dues Certificate” leaves no room for doubt about the voluntary nature of the resignation. It is pertinent to note that in all his letters asking for “No Dues Certificate”, the applicant has mentioned the date of acceptance of his resignation vide order dated 24.06.2013. Since the applicant while resigning had desired his relieving w.e.f. 10.07.2013, the Deputy Director General (Extension) where the applicant was posted relieved him vide order dated 10.07.2013. The said relieving order reads as under:-

“No.1-7/95-DDG(Extn.)/ICFRE/29

Dated: 10.07.2013

ORDER

In pursuance of Secretary ICFRE’s letter No.35-930/2013-ICFRE Dated 24.06.2013 Dr. Hilaluddin, Scientist-D of this Directorate is hereby relieved from his duties in Biodiversity Conservation Division, ICFRE in the afternoon of 10th July, 2013.

He has submitted “No Dues Certificate” from all concerned.

/sd/
(Saibal Dasgupta)

- Copy to:
1. All DDGs of ICFRE
 2. The Secretary, ICFRE with reference to his letter No.35-930/2013-ICFRE Dated 24.06.2013
 3. Director, Biodiversity Conservation, ICFRE
 4. Dr. Hilaluddin,
 5. The DDO(Admin.), ICFRE
 6. The AO, DG Office
 7. Under Secretary, Pension Cell, ICFRE
 8. Guard File."

This was followed by another order dated 30.08.2013 issued by the Secretary, ICFRE, certifying therein that the applicant already stands relieved from the post of Scientist D (Biodiversity Division), ICFRE in the afternoon of 10.07.2013. The same reads as under:-

"No.35-930/2013-ICFRE

Dated the 30th August, 2013

Order

Consequent upon resignation tendered by Dr. Hilaluddin and accepted by the competent authority vide order No.35-930/2013-ICFRE dated 24.06.2013, Dr. Hilaluddin was relieved from the post of Scientist-D, Biodiversity Conservation Division, ICFRE in the afternoon of 10.07.2013."

/sd/
(Sudhanshu Gupta)
Secretary, ICFRE

Distribution:

1. The Dy. Director General (Extension), ICFRE
2. Director, Biodiversity Conservation, ICFRE
3. Under Secretary, Pension Cell, ICFRE
4. DDO(Admin.), ICFRE
5. Dr. Hilaluddin, Ex-Scientist-D through DDG(Extn.), ICFRE
6. Guard File."

18. Learned counsel for the applicant has vehemently argued that the applicant's resignation was not addressed to the competent authority and even his relieving was not by the competent authority.

He has also tried to canvass that two relieving orders have been passed which indicate that the applicant was never relieved.

19. As far as the first contention of learned counsel for the applicant is concerned, even though the resignation was addressed to the Secretary, ICFRE, however, a copy of the same was endorsed to DG, ICFRE and DG (Forest). The Director General, ICFRE is the competent authority to accept the resignation which fact is not disputed. The resignation of the applicant was accordingly placed before the Director General, ICFRE who accepted the same on 19.06.2013, as is evident from the notings on record.

20. The other contention of learned counsel for the applicant that applicant's relieving was not by the competent authority is also without any substance. The applicant was relieved by the In-charge of his department where he was posted on 10.07.2013 consequent upon acceptance of his resignation, and thereafter the Secretary, ICFRE vide its order dated 30.08.2013 certified the relieving of the applicant on 10.07.2013. The contention of learned counsel for the applicant that relieving of the applicant could only be by the Director General, ICFRE also needs to be rejected. The Director General, ICFRE was the competent authority to accept the resignation. The same was accepted by him, which was followed by the formal order issued by the office on 24.06.2013 conveying the acceptance of resignation by the competent authority.

21. Relieving is a ministerial act which has to be done in the concerned departments where the applicant is posted and/or by the Secretary who is the functional executive of the organisation. No rule or law is brought to our notice which requires the passing of relieving order by the accepting authority.

22. The applicant has contended that he had withdrawn his resignation vide letter dated 16.08.2013. The relevant extract of the letter reads as under:-

“This has reference to my resignation with the ICFRE with a request to quash ICFRE Order No.35-930/2013-ICFRE dated 24.06.2013 on sympathetic grounds as per rules of the land. The submission is as under:-

.....On 14.06.2013, Mr. Dasgupta called me in his chamber during lunch hours and strictly instructed me to change objectives and methodology of Delhi biodiversity project as per his command and throw national and other states biodiversity databases projects into bin. When the undersigned tried to explain him that they are in close tune to World Conservation Union's format, he lost his temper and together with Mr. Khandekar started shouting over me with uncivilized language and in the tension I resigned from the ICFRE. Since I was not aware of the concerned CSS Rules, 1965 and normal administrative procedure governing resignation (para 2-5 below) until last week hence I did not withdraw my resignation.”

“ That para 4 of the CSS (CCA) Rules 1965 gives an opportunity to the appointing authority to permit a person to withdraw his resignation in the public interest on the specific conditions and the undersigned is thus withdrawing his resignation in accordance with para 4(I-IV) which are reproduced here for your ready reference as “(i) that the resignation was tendered by the Government servant 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 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 post, which was vacated by the Government servant on the acceptance of his resignation or any other comparable post, is available”.

“Taking all the above facts into consideration and going through the resignation letter written by the undersigned to the non Competent Authority (copy enclosed as Annexure-III) reflects my state of mind and reveals that at the time when I had submitted resignation, I was not a person who was acting with free mind and keeping the fact that the acceptance of resignation was not in accordance with the rules of the land and the natural procedure has not been followed, it is requested that my case may be considered sympathetically on humanitarian grounds and as per existing rules and your order No.35-930/2013-ICFRE dated 24.06.2013 may kindly be quashed. Further, I may be allowed to withdraw my resignation under para 4 (1) of CCS Rule 1965 in order to resume my duties at an early date. Further, as the undersigned has not worked after 10.07.2013 in the ICFRE, the intervening period between the dates of relinquishing and re-joining duties may be deal as per rules.”

From the above mentioned letter, it is evident that the applicant wanted withdrawal of his resignation much after the same was accepted and he was relieved from duty. Even in this withdrawal communication he has primarily sought withdrawal of the resignation on humanitarian grounds. Nothing is mentioned about the coercion or pressure for resigning from service.

23. The applicant relies upon the judgment of Apex Court in the matter of *Srikantha S. M. Vs. Bharath Earth Movers Ltd.*

reported in (2005) 8 SCC 314. In this case, the employee tenders his resignation on 04.01.1993 and sought his relieving as per the Company Rules. His resignation was accepted on the same day with immediate effect. He was, however, informed by a separate letter that his causal leave had been sanctioned from 05.01.1993 to 13.01.1993, and 14.01.1993 being a holiday, the appellant would be relieved by the close of working hours on 15.01.1993. On 08.01.1993, the appellant withdrew his resignation in writing. He was, however, not allowed to work after 15.01.1993. He filed a writ petition before the Hon'ble High Court which was dismissed on the ground that in view of the acceptance of the resignation on the date of submission thereof, no illegality has been committed by the Company. The writ appeal against the order of the High Court also failed. The Hon'ble Supreme Court, however, reversed the judgment of the High Court holding that the appellant was allowed to continue up to 15.01.1993, and thus the relationship of employer and employee continued up to 15.01.1993 and the employee having withdrawn his resignation before being relieved, the contention of the appellant was accepted.

24. On the contrary, the respondents have relied upon a judgment of the Apex Court in the matter of *North Zone Cultural Centre and another vs. Vedpathi Dinesh Kumar* reported in AIR 2003 SC 2719. In this case, the employee who was a temporary Accountant tendered his resignation from the post held by him on 18.11.1988.

With effect from the said date, the resignation was accepted by the Director on the very same day with the endorsement "Accepted, hand over charge". The employee vide Telegram on 21.11.1988 withdrew his resignation stating that the same was obtained by pressure. He was communicated vide letter dated 18.11.1988 regarding acceptance of his resignation. The High Court allowed the writ petition on two grounds; (i) the acceptance of resignation was not communicated till the withdrawal and (ii) the employee was permitted to attend the duty even after acceptance of resignation. Setting aside the judgment of Hon'ble High Court, the Hon'ble Supreme Court held that non-communication of the acceptance does not make the resignation inoperative provided, there is, in fact, an acceptance before the withdrawal. It is also held that it is not open to the public servant to withdraw his resignation after it is accepted by the appropriate authority.

25. In *Raj Kumar vs. Union of India* reported in (1968) 3 SCR 857, the Hon'ble Supreme Court has held that when a public servant has invited by his letter of resignation determination of his employment, his services normally stand terminated from the date on which the letter of resignation is accepted by the appropriate authority, and in the absence of any law or rule governing the conditions of his service to the contrary, it will not be open to the public servant to withdraw his resignation after it is accepted by the

appropriate authority. Till the resignation is accepted by the appropriate authority in consonance with the rules governing the acceptance, the public servant concerned has *locus poenitentiae* but not thereafter.

26. The ratio of the judgment in *North Zone Cultural Centre and another* (supra) and *Raj Kumar* (supra) is applicable in the present case.

27. The applicant in the present case has submitted his resignation intimating the date for its effective operation, i.e., 10.07.2013. His resignation was accepted by the competent authority on 19.06.2013. The acceptance was communicated to him on 24.06.2013 by a specific order. On receipt of the order of acceptance of resignation, the applicant applied for "No Dues Certificate" to various departments referring to acceptance of his resignation by the competent authority, and procured "No Dues Certificate". He was relieved on 10.07.2013, i.e., the effective date indicated by him in his resignation letter. He did not report for duty thereafter. It was only on 16.08.2013 that he sent a letter to DG, ICFRE for withdrawal of his resignation when it had already been accepted.

28. In view of the settled legal position that once the effective date of resignation is mentioned, even acceptance may not be required. In the present case, admittedly, resignation of the applicant was accepted with effect from the date indicated by him.

Withdrawal of resignation thereafter has no legal sanctity. The contentions raised by the applicant that he was not relieved by the competent authority or that he did not address the resignation to the competent authority are irrelevant. In the given facts and circumstances of the case, his resignation having been accepted by the competent authority and in accordance with the terms settled by him in the resignation letter itself, we do not find any valid ground to interfere. No merit. Original Application dismissed.

(K. N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

/pj/