
(2015) 04 P&H CK 0362
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 17063 of 2012 (O&M)

Dharam Bir

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 27-04-2015

Acts Referred:

Citation : (2015) 3 SCT 566

Hon'ble Judges : Amit Rawal, J

Bench : Single Bench

Advocate : Gorakh Nath, for the Appellant; Keshav Gupta, AAG, Advocates for the Respondent

Final Decision : Allowed

Judgement

Amit Rawal, J—Challenge in the present writ petition is to the order dated 15.6.2012 (Annexure P-1), passed by the General Manager, Haryana Roadways, Panipat, whereby, the petitioner was allowed to retire voluntarily from Government service after the expiry of stipulated period of three months, in terms of Haryana Government letter No. 1/2(27)-79-IFBI dated 01.08.1980 and provisions contained in rule 5.32(B) of Civil Services Rule Volume-II. Though the petitioner vide application dated 17.05.2012 (Annexure P-6) had sought the withdrawal of the application dated 14.2.2012, (Annexure P-2), whereby, he had made a request for voluntarily retirement. Mr. Gorakh Nath, learned counsel for the petitioner contends that since the petitioner had submitted an application for withdrawal of his voluntarily retirement from Government service before the acceptance, the respondent-authorities could not have accepted the application, Annexure P-2, for voluntarily retirement of the petitioner.

2. Mr. Keshav Gupta, learned Assistant Advocate General, Haryana for the respondents-State submits that the impugned order is perfectly just, fair and legal in accordance with rules.

3. I have heard learned counsel for the parties and appraised the paper book.

4. Since the respondents-authorities, vide order dated 01.03.2012, Annexure P-3, had rejected the request of the petitioner seeking voluntarily retirement from Government service, there was no occasion for the authorities to accept his application, vide impugned order 15.06.2012. There is no dispute with regard to the settled proposition of law that a person is entitled to withdraw his application seeking voluntarily retirement before acceptance, therefore, the impugned order has been passed ignoring the letter dated 01.03.2012, Annexure P-3, therefore, the order dated 15.06.2012 is vitiated in law and the same is hereby quashed. With the aforementioned observations, the writ petition is allowed.