
(2013) 07 MP CK 0042

In the Madhya Pradesh High Court

Case No : Writ Petition No. (S) 1111 of 2004

Khalak Singh Raj

APPELLANT

Vs

M.P. State Bhandar Grih Nigam

RESPONDENT

Date of Decision : 12-07-2013

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2013) 07 MP CK 0042

Hon'ble Judges : Sujoy Paul, J

Bench : Single Bench

Advocate : S.K. Sharma, for the Appellant; B.S. Bhadoria, for the Respondent

Final Decision : Dismissed

Judgement

Sujoy Paul, J.—This petition filed under Article 226 of the Constitution of India is directed against the order dated 10.6.1999 (Annexure P-1) whereby the respondent has accepted the resignation of the petitioner. The petitioner has assailed the said order on the ground that the petitioner was subjected to a disciplinary proceeding. The petitioner was unnecessarily subjected to the said disciplinary proceedings and was badly harassed. The petitioner was fed up because the disciplinary proceeding was not proceeding further and, therefore, tendered resignation which cannot be treated as resignation given without any pressure and should be treated as resignation given under coercion. In the body of petition, the petitioner has given various details regarding the disciplinary action initiated against the petitioner. On the strength of that it is prayed that the impugned order whereby his resignation dated 25.5.2009 was accepted should be set aside. Shri B.S. Bhadoria, learned counsel for the other side supported the order and submits that the petitioner submitted resignation without there being any pressure or threat on the part of the respondents. On the contrary, the respondents advised him not to tender resignation, yet after proper application of mind the petitioner tendered resignation which was duly accepted on 10.6.1999. There is no infirmity in the order dated 10.6.1999.

2. I have heard the learned counsel for the parties and perused the record.

3. This is settled in law that if resignation is actual and it is not proved that the same is obtained by the employer under any pressure, threat, coercion or fraud, no interference is required. Resignation is a voluntary act of an employee and for such voluntary act, no interference is warranted by the writ court, unless aforesaid ingredients are duly established. On the basis of aforesaid, if Annexure R-1 dated 25.5.1999 (petitioner's resignation) is examined, it will be crystal clear that petitioner has mentioned that he had earlier also tendered resignation which was withdrawn on the advice/suggestion of the respondent. However, the petitioner again tendered resignation and requested that it be accepted. The texture and tenor of this resignation makes it clear that it was the employer who earlier advised the petitioner to take back his resignation letter. The petitioner was not satisfied with the said advice and decided to tender resignation with a request to accept it.

4. I am unable to hold that such request of the petitioner is because of any threat, pressure, coercion or fraud by the employer. In my opinion, the resignation was voluntary on the part of the petitioner. Merely because the petitioner was subjected to disciplinary action, no interference can be made against the impugned order. No flaw can be found in the order dated 10.6.1999 whereby the petitioner's resignation was accepted. Resultantly, petition has no merit and is hereby dismissed.