

(2017) 02 KAR CK 0154
In the Karnataka High Court
Case No : 2002 of 2016 (S-RES)

MR. SUDHAKAR RAMAVATH S/O MR. SHANKAR
Vs
M/S. BHARATH PETROLEUM CORPORATION LIMITED, & ORS.

APPELLANT
RESPONDENT

Date of Decision : 06-02-2017

Acts Referred:

Citation : (2017) 02 KAR CK 0154

Hon'ble Judges : Subhro Kamal Mukherjee, Budihal R.B.

Bench : DIVISION BENCH

Advocate : V.ARUNAGIRI, ABHEEK SAHA, C.K.SUBRAMANYA, B.C.PRABHAKAR

Judgement

1. This is an appeal against the judgment and order dated June 13, 2016, passed by the Hon''ble Single Judge, in Writ Petition No.21802 of 2015.
2. The writ petitioner has been working with the Bharath Petroleum Corporation Limited. He joined as a Management Trainee on July 5, 2005. On October 14, 2013, he submitted his resignation to the Territory Manager. His resignation was not accepted. Therefore, he continued with the service. Ultimately, his resignation was rejected on the ground that he was unauthorisedly absent and a disciplinary proceeding has been initiated.
3. We fail to see that when an employee is unauthorisedly absent and is not willing to discharge his duty, what was the difficulty for the management in not accepting his resignation and in initiating a disciplinary proceeding on the ground of unauthorised absence.
4. Mr.C.K.Subramanya, learned advocate appearing for the respondents, submits that the employee did not obtain vigilance clearance.
5. That is a matter for the office to issue the vigilance clearance.
6. Mr.Subramanya, further, submits that there are serious allegations levelled against the appellant by a distributor of the Bharath Petroleum Corporation Limited.

7. However, no disciplinary proceeding has been initiated on the basis of such allegation.

8. When an employee is not willing to continue with the service and when there is no disciplinary proceeding pending against him, the management ought to have accepted the resignation and ought not to have initiated the disciplinary proceeding on the ground of unauthorised absence.

9. Therefore, the order impugned is set aside. A mandamus is issued commanding the respondents to accept the resignation of the appellant with immediate effect and to release all his terminal benefits, in accordance with law.

10. In view of allowing of the writ appeal, the pending interlocutory applications do not survive for consideration and are disposed of accordingly.

11. We make no order as to costs.