



2024:CGHC:40294-DB  
NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WA No. 655 of 2024**

**1** - Chhattisgarh State Civil Supplies Corporation Through Its Managing Director, Hitwada Complex , Avanti Vihar , Above Hitwada Newspaper Premises, Telibandha, Raipur District Raipur Chhattisgarh

**2** - Managing Director Chhattisgarh State Civil Supplies Corporation, Hitwada Complex, Avanti Vihar, Above Hitwada Newspaper, Premises, Telibandha Raipur District Raipur Chhattisgarh

**3** - General Manager (Administration) Chhattisgarh State Civil Supplies Corporation, Hitwada Complex, Avanti Vihar, Above Hitwada, Newspaper Premises, Telibandha Raipur District Raipur Chhattisgarh

**... Petitioners**

**versus**

**1** - Shailendra Kumar Khamparia S/o Late Shri Krishna Kumar Khamparia Aged About 54 Years Occupation Resigned As Deputy Manager From Chhattisgarh State Civil Supplies Corporation, R/o Near Hanuman Temple, 27 Kholi, Vikas Nagar, Bilaspur District Bilaspur Chhattisgarh

**2** - State Of Chhattisgarh Through Secretary, Government Of Chhattisgarh, Department Of Food, Civil Supplies, And Consumer Protection, Mahanadi Bhawan, Capital Complex, Naya Raipur District Raipur Chhattisgarh

**... Respondents**

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For Petitioners : Mr. V.R. Tiwari, Senior Advocate along with Mr. Anish Tiwari, Mr. Atul Kesharwani and Mr. Shubham Dwivedi, Advocates

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For Respondent : Mr. Manoj Paranjpe, Advocate  
For Respondent : Mr. S.S. Baghel, Panel Lawyer

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No.2 / State

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**Hon'ble Shri Ramesh Sinha, Chief Justice**

**Hon'ble Shri Bibhu Datta Guru, Judge**

**Judgment on Board**

**Per Ramesh Sinha, Chief Justice**

**15.10.2024**

1. Heard Mr. V.R. Tiwari, learned Senior Counsel along with Mr. Anish Tiwari, Mr. Atul Kesharwani and Mr. Shubham Dwivedi, learned counsel for the appellants. Also heard Mr. Manoj Paranjpe, learned counsel for respondent No.1 as well as Mr. S.S. Baghel, learned counsel for respondent No.2 / State.
2. This writ appeal is presented assailing the order dated 15.07.2024, passed by the learned Single Judge in WPS No. 2314/2017 (***Shailendra Kumar Khamparia vs. Chhattisgarh State Civil Supplies Corporation and others***), whereby, the writ petition filed by the writ petitioner / respondent No.1 herein was allowed by the learned Single Judge.
3. Brief facts of the case are that the writ petitioner / respondent No.1 herein was initially appointed on daily wages as an Assistant in the then Madhya Pradesh State Civil Supplies Corporation on 11.11.1985. After about two years, the services of the writ petitioner were regularized on the said post vide order dated 10.11.1987 and he was posted at the District Office of the Corporation, Jabalpur. One of the conditions of the order dated

10.11.1987 specifically states that after two years' service, the writ petitioner would be entitled to leave the Corporation's services after depositing three months' salary with the Corporation. Later, the writ petitioner was promoted to Senior Assistant in the year 1997, Assistant Manager in the year 2013 and to the post of Deputy Manager in the year 2013. Vide letter dated 26.03.2016; the writ petitioner tendered his resignation via e-mail to the Managing Director of the Corporation citing some personal reasons. After the receipt of the resignation tendered by the writ petitioner, he was transferred to the Head Office, Raipur vide order dated 29.03.2016. Thereafter, on 29.03.2016 itself, the writ petitioner was informed that since his resignation letter was incomplete, was not in the prescribed format, the date was also not specifically mentioned from which he intended to proceed on resignation and he also did not deposit three months' salary as per the condition of the appointment order, therefore the writ petitioner was directed to submit his resignation along with the aforesaid requisites. After that, the writ petitioner never submitted any other resignation request nor did he deposit three months' salary. Further facts of the case are that vide order dated 20.04.2016, the writ petitioner was handed over the charge of the Legal Section of the Corporation. Vide order dated 07.05.2016, the writ petitioner was posted in the establishment of the Corporation. Thereafter, vide letter dated 05.07.2016, the writ petitioner was asked to deposit three months' salary in pursuance

of his resignation letter dated 26.03.2016. Vide order dated 07.07.2016, the writ petitioner was given the charge of Districts Sukma and Bijapur as the Area Officer for the purposes of inspection. Thereafter, vide impugned order dated 06.09.2016 the resignation request was accepted by the Corporation which was already turned down by the authorities on 29.03.2016. Again, vide letter dated 16.09.2016, the writ petitioner was asked to deposit three months' salary for taking further action. On 11.08.2016, the writ petitioner made a representation and requested the authorities to adjust three months' salary from his dues/salary but when no action was taken, he made a representation on 13.10.2016 for cancellation of acceptance of his resignation. Thereafter, he again requested for reconsideration of his resignation on 30.01.2017, 03.03.2017 and 09.03.2017. Vide the impugned order / letter dated 29.03.2017, the representation / request for cancellation of the acceptance of resignation moved by the writ petitioner was rejected stating that his resignation has been accepted vide Agenda No. 56.11 (3) on the 56th meeting of the Board of Directors held on 11.08.2016 and there are no rules that provide for reinstatement in service after acceptance of resignation. The writ petitioner assailed the orders dated 06.09.2016 and 29.03.2017 in the WPS No.2314 of 2017, which was allowed by the learned Single Judge vide order dated 05.07.2024. Being aggrieved by the same, the appellants have preferred this present appeal.

4. Learned counsel for the appellants submits that it is a settled proposition of law that resignation once accepted, cannot be cancelled or the employee cannot be reinstated back into the service. The learned Single Judge failed to appreciate the said legal propositions while passing the impugned order. It is a settled proposition of law that a resignation would be effective on its acceptance even if the acceptance is not communicated. As there is no rule of communication of acceptance of resignation therefore the appellant was also not required to communicate the said acceptance to the writ petitioner. Further, the learned Single Judge failed to appreciate the legal proposition that an employee is entitled to withdraw the resignation before its acceptance. Once the resignation is accepted there is no jural relationship between the employee and the employer and the employee cannot claim for the withdrawal of the resignation nor reinstatement. Later, in the present case, once the resignation of the writ petitioner was accepted by the appellants on 11.07.2016, thereafter the same cannot be revoked/cancelled merely because 3 months' salary was not deposited. It is submitted that the corporation was not responsible for not depositing the 3 months' salary and therefore the acceptance of resignation is proper and no interference was warranted.
5. Learned counsel for respondents opposes the submissions made by the learned counsel for the appellants in this appeal and submits that the learned Single Judge after considering all the

aspects of the matter has rightly allowed the writ petition filed by the writ petitioners / appellants herein, in which no interference is called for.

6. We have heard learned counsel for the parties and perused the impugned order and other documents appended with writ appeal.
7. From perusal of the impugned order, it transpires that the learned Single Judge vide order dated 05.07.2024, allowed the petition of the writ petitioner considering the overall facts and circumstances of the present case that in the present case, for the reasons best known to the respondents / Corporation (in WPS No.2314/2017), they did not act upon the resignation request and rather directed the writ petitioner to submit the application afresh in the prescribed format while mentioning the specific date from which he intended to proceed on resignation and also asked him to deposit three months' salary. As observed earlier, the writ petitioner did not choose to submit any application afresh. He was rather transferred to various places and given different responsibilities. The writ petitioner was asked twice to deposit his three months' salary, firstly, before the acceptance of his resignation request, and lastly, after the acceptance of his resignation. The writ petitioner wrote a letter dated 11.08.2016 to adjust his salary from his dues/salary but the same was never taken into consideration by the Board of Directors in its meeting held on 11.08.2016 as is evident from a perusal of the record.

Even otherwise, had the above application been placed before the Board of Directors in its meeting held on 11.08.2016, the scenario would not have changed. Under such circumstances, the respondents/Corporation were estopped from taking any further action, unless they had received a fresh resignation request. Thus, they had no reason/cause to proceed with the writ petitioner's previous application which had, obviously, become stale and non-est. Such an action of the respondents/Corporation is, therefore, totally impermissible in the eyes of the law. Also, the respondents/Corporation did not specify that no fresh application is required further from the writ petitioner's end. Moreover, the earlier resignation request, being turned down, albeit, for want of certain particulars, it was no longer obligatory for the writ petitioner to have submitted any formal application seeking withdrawal/cancellation of his resignation.

Learned Single Judge further relied upon the law laid down by a Division Bench of the Delhi High Court in the case of ***Rakesh Kumar Bhartiya vs. Union of India and another***, ***2024 SCC OnLine Del 1621*** and accordingly, quashed / set-aside the order dated 06.09.2016 and 29.03.2017, issued by the General Manager (Administration), Chhattisgarh State Civil Supplies Corporation.

8. Having gone through the submissions advanced by learned counsel for the parties and having gone through the finding

recorded by the learned Single Judge while allowing the writ petition filed by the writ petitioner / respondent No.1 herein, we do not perceive any error in the impugned order passed by the learned Single Judge so as to warrant any indulgence by this Court in the present intra court appeal.

9. Accordingly, the writ appeal being devoid of merit is liable to be and is hereby **dismissed**. No cost(s).

Sd/-  
**(Bibhu Datta Guru)**  
Judge

Sd/-  
**(Ramesh Sinha)**  
Chief Justice