

RAVINDER SINGH
v.
STATE OF M.P. AND ORS.

MARCH 6, 1995

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

Service Law—Resignation submitted under threat—Withdrawal—Acceptance quashed and reinstatement directed.

The appellant, an Assistant Sub-Inspector of Police was alleged to have made delay in despatching some communication and also failed to keep a copy of leave application of Superintendent of Police on record. As he was given threat and warning he tendered his resignation on 3.1.91. However, he withdrew his resignation on 2.2.91 but the resignation was accepted on the same day.

Allowing the appeal, this Court

HELD : It is an appropriate case for the appellant to continue in service. The acceptance of resignation stands quashed and he should be reinstated into service forthwith but without back wages. [520-D]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 4027 of 1995.

From the Judgment and Order dated 31.12.92 of the Madhya Pradesh State Administrative Tribunal Bench at Bhopal in O.A. No. 2698 of 1991.

Surya Kant for the Appellant.

Niraj Sharma and S.K. Agnihotri for the Respondents.

The following Order of the Court was delivered :

Leave granted.

We have heard the learned counsel for the parties. On the facts and circumstances, it would appear that it is a case warranting our interference. It is seen that the appellant was working as Assistant Sub-Inspector in the

- A office of Superintendent of Police. On two occasions there was delay in dispatch of some communication. According to the explanation offered by the appellant, the Head Clerk was responsible for the delay for dispatch. It was on the third occasion that he did not keep office copy of the leave application for earned leave of the Superintendent of Police. In fact it is not the duty of the dispatch clerk but office/Head Clerk to keep the office copy for record. These three facts were taken into consideration by the Superintendent of Police and by giving insinuating threats or warning to the appellant, a sense of insecurity in continuance of employment was created. Obviously to get over the situation, he might have tendered resignation on January 3, 1991 but he had withdrawn it on February 2, 1991, before the acceptance was communicated to him. On the same day the resignation was accepted.

- D Under these circumstances, we think that it is an appropriate case for the appellant to continue in service. The appeal is accordingly allowed. The acceptance of resignation dated February 2, 1991 stands quashed and there shall be a direction to reinstate the appellant into service forthwith but without back wages.

T.N.A.

Appeals allowed.