



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2024

PRESENT

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

AND

THE HON'BLE MR JUSTICE C M JOSHI

WRIT PETITION NO. 4833 OF 2023 (S-KSAT)

BETWEEN:

SMT. SHAILAJA K L,
AGED ABOUT 43 YEARS,
D/O SRI. LINGAPPA,
WORKING AS FIRST DIVISION ASSISTANT
O/O ELECTRICAL INSPECTOR
DURGIGUDI, PARK EXTENSION,
4TH CROSS, SHIVAMOGGA- 577 001.
R/AT "AMRUTHA DHARA NILAYA",
MADHAVANAGARA, SHIRA-572 137.
TUMKURU DISTRICT.

...PETITIONER

(BY SRI. SHAIKH SAOUD.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REP. BY ITS SECRETARY,
ENERGY DEPARTMENT,
VIKASA SUDHA,
BANGALORE – 560 001.
2. THE CHIEF ELECTRICAL INSPECTOR
O/O ELECTRICAL INSPECTORATE,
NIRMANA BHAVANA,
DR. RAJKUMAR ROAD,
RAJAJINAGAR, 1ST BLOCK,
BENGALURU – 560 010.





3. ELECTRICAL INSPECTOR
O/O ELECTRICAL INSPECTOR
DURGIGUDI PARK EXTENSION,
4TH CROSS, SHIVAMOGGA – 577 001.

...RESPONDENTS
(BY SRI.KHAMROZ KHAN., AGA FOR R1 TO R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO THE
ORDER DATED 07.12.2022 PASSED BY THE HONBLE KAT
BENGALURU IN APPLICATION No.2047/2022 BE SET ASIDE IN
THE INTEREST OF JUSTICE AND EQUITY AND ETC.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY
HEARING IN B GROUP, THIS DAY, ORDER WAS MADE THEREIN
AS UNDER:

CORAM: HON'BLE MR JUSTICE KRISHNA S DIXIT
and
HON'BLE MR JUSTICE C M JOSHI

ORAL ORDER

(PER: HON'BLE MR JUSTICE KRISHNA S DIXIT)

Petitioner, a civil servant is grieving against State
Administrative Tribunal's order dated 7.12.2022 whereby
her Application No.2047/2022 has been negatived. In the



said Application, her essential prayer was for the relief of reinstatement in service by voiding the order whereby, her resignation was accepted.

2. Learned counsel for the petitioner vehemently argues that the resignation letter in question could not have been acted upon and in any event, the employee ought to have been permitted to withdraw the same. This aspect of the matter having not been properly appreciated, the Tribunal has made the impugned order which warrants invalidation. He relies upon a decision of Apex Court in ***S.D.MANOHARA vs. KONKAN RAILWAY CORPORATION LIMITED¹***, in support of his submission. Learned AGA appearing for the official respondents opposes the petition making submission in justification of the impugned order of the Tribunal and the reasons on which it has been structured.

¹ 2024 SCC OnLine SC 2546



3. Having heard the learned counsel for the parties and having perused the Petition Papers, we decline indulgence in the matter broadly agreeing with the reasoning of the Tribunal. Resignation is a voluntary act on the part of an employee by which he seeks to leave the service to which he is appointed. An employee who has tendered resignation voluntarily, is entitled to withdraw the same before it is accepted, unless the Service Rules otherwise provide. Even if the acceptance of resignation is not communicated to the employee, it makes no difference. We are not notified any Rule or Ruling which says the contrary. Once the resignation is offered and the same is duly accepted by the competent authority, resignation is complete & irrevocable, subject to all just exceptions. Case of the petitioner does not fit into any of the exceptions.

4. In Service Jurisprudence, removal, resignation, retirement & death are the conventional modes by which employer-employee relationship is determined. In the



instant case we notice that the petitioner was unauthorisedly absent for a very long period and did not report for duty despite issuance of several Show Cause Notices, copies whereof petitioner herself has produced. Unauthorised absence creates lot many issues in public employment. Her resignation came to be accepted on 28.01.2022 by the competent authority, the copy whereof avails at Annexure-Q. The Tribunal having examined all aspect of the matter, has denied relief to the petitioner who could have been otherwise dismissed from service for remaining unauthorisedly absent from 4.2.2019 and she sent resignation letter dated 6.6.2019 only on 25.06.2019. No injustice is caused to the petitioner either by the order of the government or by the order of the Tribunal. The reliance of petitioner's counsel on the decision of Apex Court in *S.D.MANOHARA supra* would not advance his case inasmuch as the fact matrix is completely different. That was a case wherein resignation letter was given mentioning a future date to take effect and that was withdrawn before it was accepted.



In the above circumstances, the petition being unworthy of merits, is liable to be and accordingly dismissed.

**Sd/-
(KRISHNA S DIXIT)
JUDGE**

**Sd/-
(C M JOSHI)
JUDGE**