

Gujarat High Court

C vs Gujarat on 1 August, 2008

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Gujarat High Court Case Information System

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LPA/504/2008      3/ 3      ORDER

IN  
THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS

PATENT APPEAL No. 504 of 2008

In

SPECIAL  
CIVIL APPLICATION No. 23090 of 2007

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C  
R KORI - Appellant(s)

Versus

GUJARAT  
WATER SUPPLY & SEWAGE BOARD THROUGH SECRETARY & 2 -  
Respondent(s)

=====

Appearance :  
MR  
PRABHAKAR UPADYAY for Appellant  
None for  
Respondent(s) : 1 -  
3.

=====

CORAM

:

HONOURABLE

MR.JUSTICE A.L.DAVE

and

HON'BLE

SMT. JUSTICE ABHILASHA KUMARI

Date  
: 01/08/2008

ORAL  
ORDER

(Per : HONOURABLE MR.JUSTICE A.L.DAVE)

1. The appellant is aggrieved by an order passed on 10th September, 2007, in Special Civil Application No.23090 of 2007 dismissing his petition.
2. The appellant was working with the respondent-authorities as a Fitter. He tendered an application on 8th January, 2006, purporting to be an application for voluntary retirement. Later on, by communication dated 28th April, 2006, he indicated that actually, his application dated 8th January, 2006, was for voluntary resignation; the same may be read as such and his resignation may be accepted with effect from 1st May, 2006. The respondent-authorities accordingly accepted the

same. Thereafter, all the dues, namely the amount of group insurance, gratuity and CPF were paid to the petitioner-appellant, which he accepted without any objection. Thereafter, he suddenly changed his mind and requested to treat his resignation as an application for voluntary retirement, which having not been accepted, he approached with the petition, which also came to be dismissed by the learned Single Judge after considering the above aspects.

3. We have heard learned advocate Mr.Upadhyay and have considered the facts of the case. The conduct of the petitioner-appellant clearly indicates that he tendered resignation with a clear mind. He has accepted his monetary benefits pursuant to resignation without any objection and thereafter, after a long time, as a second thought, has made an attempt to convert his resignation into voluntary retirement, which cannot be permitted to be done. In the light of what is stated above, we do not find any reason to interfere with the order of the learned Single Judge.

The Appeal, therefore, stands dismissed.

(A.L.Dave, J.) (Smt.Abhilasha Kumari, J.) (sunil) Top