

**LPA-3066-2024 (O&M)**

2025:PHHC:046083-DB



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**LPA-3066-2024 (O&M)**  
**Date of decision: 03.04.2025**

**GURDAS SINGH** ..... Appellant(s)  
**Versus**

**PRINCIPAL SECRETARY AND OTHERS**  
..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**  
**HON'BLE MR. JUSTICE ALOK JAIN**

Present: Mr. Surmukh Singh, Advocate and  
Mr. Sonu Bhatia, Advocate  
for appellant.

Mr. R.S. Pandher, Senior DAG, Punjab.

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**LISA GILL, J.**

1. Prayer in this appeal is for setting aside order dated 23.09.2024, passed by learned Single Bench whereby CWP-1292-2015, filed by present appellant has been dismissed.

2. Brief facts necessary for adjudication of the matter are that appellant was appointed as JBT Teacher on 22.12.2001 with the Department of Education. He applied for the post of Assistant Public Relation Officer (APRO) in the Department of Information and Public Relations, Punjab. Admittedly, this application was not submitted through proper channel alongwith a 'No Objection' from the Department of Education. Upon his selection as APRO, he submitted his resignation on 09.05.2011 alongwith salary of one month, which was accepted by respondent-Education Department. Appellant then joined as APRO on 10.05.2011. Grievance raised by appellant is that benefit of service rendered by

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him with the Department of Education has not been taken in account as qualifying service for computing his pensionary benefits even though this claim is covered by Rule 7.5 of the Punjab Civil Services Rules. It is contended that resignation tendered is in fact a technical resignation only, in order to join the Department of Information and Public Relation, Punjab, therefore, denial of pensionary benefits is illegal and arbitrary. His claim was wrongly rejected by respondents as conveyed through communication dated 12.10.2012. Aggrieved therefrom, CWP-1292-2015 was filed.

3. Learned Single Bench on considering the facts and circumstances of the matter, dismissed the writ petition while observing that writ petitioner deposited one month salary, which was must for an employee for resigning in normal circumstances and had not competed for the post of APRO through proper channel. Aggrieved therefrom, present appeal has been filed.

4. Learned counsel for appellant vehemently argues that learned Single Bench has incorrectly dismissed the writ petition filed by appellant while considering the resignation submitted by appellant to be a normal resignation which entails forfeiture of service. As per instructions dated 19.02.2016 appellant is entitled for counting of his service rendered with the Department of Education as qualifying service for computing his pensionary benefits. It is thus, prayed, that present appeal be allowed and impugned order dated 23.09.2024 be set aside.

5. Learned counsel for the State, on advance notice, however, opposes the appeal while submitting that impugned order has been correctly passed. It is thus prayed that this appeal be dismissed.

6. We have heard learned counsel for parties and have perused the file with their able assistance.

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7. At the outset, it is useful to refer to Rule 7.5 of Punjab Civil Services Rules, which reads as under:-

7.5. (1) Resignation from a service or a post, unless it is allowed to be withdrawn in public interest by the appointing authority, entails forfeiture of past service.

(2) A resignation shall not entail forfeiture of past service if it has been submitted to take up, with proper permission, another appointment, whether temporary or permanent, under the Government where service qualifies for pension.

8. Learned counsel for appellant is unable to deny that appellant did not apply for the post of APRO with the Department of Information and Public Information, Punjab, through proper channel. 'No Objection Certificate' by Department of Education was not issued at any stage. Appellant did not compete for the post of APRO as an in-service candidate with permission of Department of Education. It is after his selection to the post of APRO that appellant tendered his resignation alongwith salary of one month. In the given factual matrix, learned Single Bench has correctly relied upon judgment dated 31.08.2023 of Hon'ble the Supreme Court in *Union of India Vs. HR Vijaya Kumar*, in Civil Appeal No.7351 of 2013, to conclude that in case an employee does not apply for the post through proper channel and concerned Department does not issue a 'No Objection Certificate' either to compete or for joining the new post, benefit of earlier service cannot be given and resignation has to be treated as a normal resignation, which entails forfeiture of service. Reliance by learned counsel for appellant on instructions dated 19.02.2016 is also of no avail because Department of Education at no point of time exercised any discretion in favour of appellant to treat his resignation as technical one.

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9. Keeping in view the facts and circumstances of the matter as above, where rights of parties are governed by specific and clear cut statutory provisions, there is no scope for interference on the basis of equity in the given factual matrix. We do not find any ground to cause interference in this matter. Order dated 23.09.2024, passed by learned Single Bench does not suffer from any infirmity, illegality or perversity, which calls for any interference.

10. No other argument has been addressed.

11. Keeping in view the facts and circumstances as above, this appeal is accordingly dismissed with no order as to cost.

12. Pending miscellaneous application(s), if any, stand(s) disposed of accordingly.

**(LISA GILL)**  
**JUDGE**

**(ALOK JAIN)**  
**JUDGE**

**03.04.2025**

*Sunil*

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No